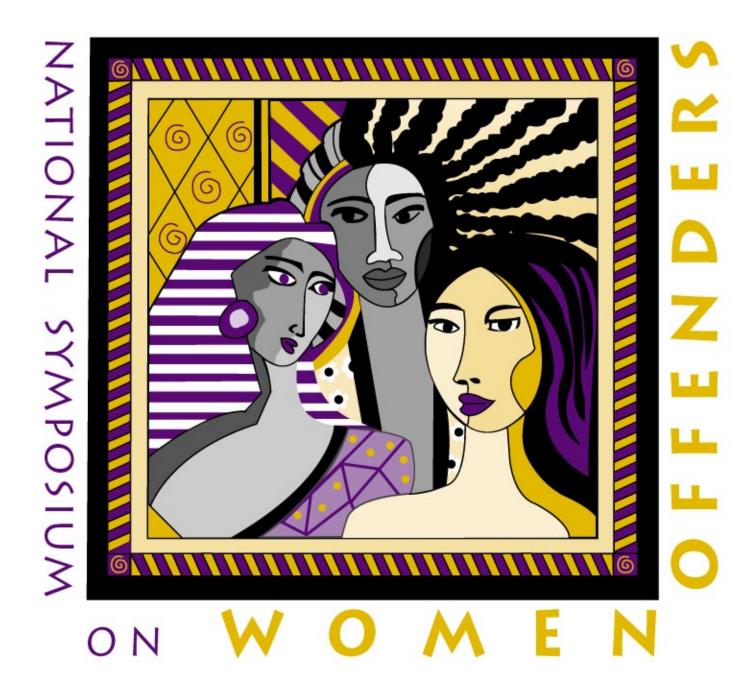
## OFFICE OF JUSTICE PROGRAMS

# CONFERENCE



WASHINGTON, DC DECEMBER 13-15, 1999

#### OFFICE OF JUSTICE PROGRAMS

# CONFERENCE PROCEEDINGS

# NATIONAL SYMPOSIUM ON WOMEN OFFENDERS

WASHINGTON, DC DECEMBER 13–15, 1999



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- "Gender-Responsivity: An Essential Element in Women's Programming," Barbara Bloom, Ph.D., and Stephanie Covington, Ph.D., November 1998.
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#### Introduction

Although women offenders are only a small minority of the nation's criminal justice population, their numbers have risen dramatically over the past decade. The number of women in jails and prisons has tripled while the number of men has doubled. We know that women in the criminal justice system have some needs that are quite different from men's, resulting in part from these women's disproportionate victimization from sexual or physical abuse and in part from their responsibility for children.

Women offenders are also more likely than men to have become addicted to drugs, to have mental illnesses, and to have been unemployed before incarceration. These different circumstances, together with the general rise in the number of women in the system, point to the need for different management approaches as well as different programming to ensure parity and to provide interventions that reduce recidivism.

In response to the need to focus attention on women offenders, the Office of Justice Programs, U.S. Department of Justice, sponsored a National Symposium on Women Offenders, December 13-15 at The Mayflower Hotel in Washington, D.C. The Symposium brought together more than 300 key policymakers from criminal justice systems across the country to discuss the issues women offenders pose for the criminal justice system.

These issues include critical decision-making across the criminal justice system, from developing appropriate sentencing options to supervision strategies and services for women offenders. The Symposium offered officials and managers from federal, state and local criminal justice systems the opportunity to share ideas, dilemmas, and strategies that work. One theme running through the Symposium was the issue of drug abuse and effective treatment interventions to break the cycle of drug use and crime for women.

As a result of the Symposium, participants gained a better understanding of the emerging and critical issues to consider in shaping policy for women offenders; in applying a systems perspective to managing women offenders; in identifying resources—research, expertise and practical strategies—that are effective or promising in addressing women offenders' needs; and, in articulating and developing an action agenda for their own jurisdictions.

The following chapters summarize the proceedings of this important Symposium.

#### **Executive Summary**

The National Symposium on Women Offenders was a landmark event for the Department of Justice—the first major discussion of women offender issues in the Department's history. At the end of a decade when the number of women offenders reached record high levels, more than 300 criminal justice policymakers gathered in Washington for the 3-day Symposium—one designed "to build capacity by building bridges," as conference moderator Judge Karen Asphaug told the delegates.

The number of women being arrested, detained, convicted and incarcerated in the last decade has increased dramatically and, at the same time, there has been a developing awareness that the criminal justice system is not designed to meet women offenders' needs. Conference participants identified those needs and explored models for helping women offenders rebuild their lives through policies and practices that are gender-responsive. Much attention focused on how understanding the characteristics of women offenders can inform effective policy that will enable women to gain opportunities in the economic, social, and mental health arenas of their lives.

A December 1999 report by the Bureau of Justice Statistics (BJS) found that more than 3 million women were arrested in 1998 and nearly 1 million were under correctional supervision. In the early 1970s, when there were about 6,000 women in prison, women comprised just 3 percent of the prison population. Today, there are about 79,000 women in prison, and they comprise 6.3 percent of the total. Women now account for about 14 percent of violent offenders, according to victim reports, and more than one-quarter of those are juveniles. Most often these crimes are related to possession or low-level trafficking of illegal drugs.

Women's pathways to crime are distinctly different than men's. Most often they are rooted in past traumas associated with family and intimate violence. The BJS report found that nearly 60 percent of women in state prisons had been physically or sexually abused. Although men also experience traumas at early ages, the emotional dynamics and behavior present themselves differently in adulthood—men often becoming perpetrators and women remaining victims or in dependent roles with continued abuse. In a study conducted among violent women offenders at New York's Bedford Hills Correctional Facility, only 6 percent had not experienced at least one serious physical or sexual assault in their lives. Nearly 60 percent were sexually molested as children, and larger percentages had been assaulted as adults.

Large numbers of women offenders also suffer from mental illness. Where mental health services are not available or where the women have been deinstitutionalized from hospitals without support, many have found legitimate opportunities blocked. In trying to support themselves through prostitution and low-level drug dealing, they eventually have become ensnared in the justice system.

Drugs and alcohol abuse also play a critical role in women's offending. More than half of women

offenders were under the influence of alcohol or other drugs at the time of their offense, the BJS report found, and large numbers report histories of substance abuse. Often women are attempting to self-medicate the pain of trauma or of mental illness.

But it is a confluence of forces that those who work with women offenders see again and again. Past trauma, low self-esteem, poor education, restricted opportunities to earn a living and support children, substance abuse, mental illness, financial and/or emotional dependence on men who are involved in crime—the patterns of women offender's lives often are woven from these threads.

Programming in prisons to address these problems rarely is adequate, seldom draws on multiple service systems, and even less frequently is gender specific. Where they exist, programs often fail to take account of women's psychology and learning styles, their histories of trauma and unhealthy relationships, and their role as mothers.

Most women under correctional supervision are mothers—with an estimated 1.3 million minor children nationwide. But in many states they are discouraged from maintaining relationships, sometimes even contact, with their children. In many states, more than half of the women never receive visits from their children, and prison policies sometimes make such visits impossible for young children to see their mothers. At the same time, there are few programs to help women maintain family bonds; indeed, state laws increasingly favor termination of parental rights in situations that typically affect women offenders.

Conference participants identified several effective interventions that are working well with women offenders, diverting them from prison, or working with them in prison or community settings. Characteristically, these programs are comprehensive, interdisciplinary or multidisciplinary, involve community providers and decision-makers in multiple systems—criminal justice, health care, education, etc.—and are tailored specifically to meet a wide range of women's needs. They support women in relationships and are family-focused, provide them with good role models and mentors, help them work through problems with sexual abuse and provide substance abuse treatment, provide job training and education for productive work, and address problems of low self-esteem.

Participants described a wide range of innovations and programs for working more effectively with women offenders: more effective assessment tools; information-sharing among agencies; contracting with community providers to provide a continuum of care from prison through women's transition back into the community; insuring that children can visit their mothers and helping the mothers become more effective parents; comprehensive treatment for substance abuse and mental illness; tougher policies to deal with correctional officers who abuse inmates, and many others.

The most effective environments for helping women offenders are, participants noted, therapeutic rather than punitive, and involve community members and service providers in both prison and community-based settings. Ideally, women offenders should be treated in the least restrictive environment with an individualized, multi-disciplinary approach. For some women, this may mean

that drug courts divert them directly into treatment programs, with the "stick" of enhanced sanctions if they fail to meet program goals. Where communities have engaged in effective planning, courts can refer offenders to a wide variety of community-based programs rather than filling prisons with these non-violent offenders.

Repeatedly, participants argued that prisons should be reserved for women who present a risk to public safety. They urged that the bias should favor community placement and that prison should be seen as the "alternative." This is likely to mean more effective and less costly programs, with a reduction in recidivism, while resources are freed up for other general community purposes such as education, substance abuse treatment, health care, child care, and housing. Moreover, by providing these services more effectively, communities can help insure that their citizens get the help they need before they are attracted to criminal activity.

Throughout the Symposium, teams of participants from federal, state and local jurisdictions met to consider how they could develop more effective programming for the women offenders in their jurisdictions. On the third day, several teams presented their priorities to Attorney General Janet Reno. The plans were wide-ranging and included the following priorities:

- Work to reduce the number of women incarcerated in the state;
- Develop a community-based residential center for drug-addicted mothers and their children;
- Begin tracking women in the correctional system to find out what they need, what they are lacking and what can be done to help;
- Accentuate collaborative efforts, with an emphasis on cutting red tape and making sure that the people for whom specific programs are designed actually get access to them:
- Educate state leaders, beginning with the governor, about the needs of women offenders and the impact of incarceration on families;
- Re-examine how state dollars flow across state agencies and work to get money focused on services rather than systems;
- Develop a gender-friendly assessment form for women entering correctional facilities;
- Focus on establishing local, multi-disciplinary teams that develop and implement wrap-around services for women offenders.

The Attorney General responded with enthusiasm and acknowledged the frustrations that develop when trying to implement ambitious plans. She stressed her commitment to developing gender-responsive programming for women in the criminal justice system, and urged participants to take back concrete information from the Symposium to develop policies and practices that would make a real difference in these women's lives. She concluded her remarks with saying: "As my mother would say, go gator, and muddy the water!"

#### **Opening Remarks**

*Moderator*: The Honorable Karen Asphaug

First Judicial District Minneapolis, Minnesota

Larry Meachum, Director Corrections Program Office Office of Justice Programs

Washington, D.C.

The Honorable Laurie Robinson Assistant Attorney General Office of Justice Programs Washington, D.C.

The number of women offenders in the United States has increased dramatically over the past two decades, but criminal justice programming has not kept pace. Panelists emphasized that corrections programs and administrative practices should not be a "one size fits all" but need to be tailored to the different needs of women offenders, needs involving dependent children, drug use, domestic violence and other issues.

Assistant Attorney General Laurie Robinson discussed a 20-year-old Law Enforcement Assistance Administration report on women in criminal justice that recently had been updated by the Office of Justice Programs. The new report found that despite the increase in the number of women offenders in the past 20 years, many of the problems they face remain the same. There still are not enough services and resources for women offenders and their particular needs too often are ignored by the criminal justice system.

Ms. Robinson emphasized that both female and male offenders need services, drug treatment, job training and placement, and other help to make a successful transition from incarceration or criminal custody to life in the community, but that women need programs and administrative practices tailored to their specific needs. She also pointed out the rising rates of delinquency for girls, and said that more attention needs to be paid to this population.

Ms. Robinson reported on a Bureau of Justice Statistics study prepared especially for the Symposium, which examined existing data on women offenders. These data, she said, point to some of the issues women offenders raise for the criminal and juvenile justice systems:

- The number of women offenders has increased dramatically over the past several years. Although compared with men their numbers are relatively small, the number of women coming into the criminal justice system has increased at a much higher rate than any other population. About 3 million women are arrested each year, and there are almost 1 million held in custody. Women comprise about 16 percent of the nation's correctional population.
- Women offenders are the mothers—and often the primary caretakers—of about 1.3

- million minor children.
- Women offenders often are victims themselves. Nearly 60 percent of women in state prisons reported being physically or sexually abused at some point in their lives. About one-third of those were abused by an intimate or family member.
- There is a close connection between women offenders and drugs. About 40 percent of female offenders were reported by their victims to be using drugs or alcohol, or both, at the time of the crime. A large percentage of women in prison are incarcerated for drug law violations.
- More than a quarter of women offenders (28%) are juveniles. Crime by girls has risen substantially since the early 1980s, including violent crime.

Ms. Robinson noted that women offenders are starting to receive some national attention, citing a cover article on women offenders by *U.S. News & World Report*, as well as the National Symposium. A number of state and local jurisdictions are developing creative approaches for women offenders, she said. Robinson urged participants to work toward developing a systemwide response and plan of action—from arrest through adjudication through aftercare—for women offenders.

Judge Karen Asphaug from Minneapolis said the Symposium presented an important opportunity for policymakers and practitioners from multiple criminal justice agencies, disciplines and organizations at the federal, state and local levels to build on each other's knowledge, wisdom and experience. Together, she said, professionals from different fields can find more suitable ways to hold women accountable for breaking the law, and at the same time deepen the understanding of the resources needed to help these women change their lives and be restored to their communities.

Larry Meachum, Director of the Office of Justice Programs Corrections Program Office, questioned whether society is increasingly safe as a result of the increased incarceration of women offenders. "I don't think it's necessary to see this number of women being locked up," he said. "I wonder why these numbers are increasing."

Nonetheless, Meachum acknowledged the need for different women's programming for the criminal justice system. He urged Symposium participants to develop concrete strategies for working with women offenders that could be implemented in their home jurisdictions. The Department of Justice offers technical assistance for these efforts, which can be requested by calling the Technical Assistance Line at 1-800-848-6325, x51350.

Laurie Robinson concluded by summing up the goal of the Symposium: "There is a tremendous cross section of people here today, from all systems involved with women offenders. Our goal is to work together through collaborative approaches to find solutions that work."

#### Plenary I

#### Building the Case—Why Focus on Women Offenders?

Moderator: Dr. Myrna S. Raeder, Professor

Southwestern University

School of Law

Los Angeles, California

Brenda V. Smith, Associate Professor

Washington College of Law

American University Washington, D.C.

Teena Farmon, Warden

Central California Women's Facility

Chowchilla, California

The Honorable Carolyn Engel Temin

Court of Common Pleas Philadelphia County

Philadelphia, Pennsylvania

Dr. Reginald A. Wilkinson, Director Ohio Department of Rehabilitation

and Correction

Immediate Past President

American Correctional Association

Columbus, Ohio

The number of women in prison is growing rapidly, an increase that is far outpacing the growth in the population of men, although women still are a small percentage of all prisoners—under 10 percent. For too long, women have received little attention, and most concern with prison design and treatment has been based on a male model which does not work well for women.

Women offenders are very different from men in their demographic, social and criminological profiles. Women are more likely to be convicted of non-violent crimes and to suffer from a pattern of mental illness, sexual abuse, and family violence. They have different concerns related to childcare and maintaining links with their children. They have other needs for emotional support both in prison and when they return to the community. Many women are abused while in prison and can be subjected to conditions which not only revictimize them but are below international human rights standards which the United States has endorsed. Thus, society needs to focus on the needs of women offenders in a multidisciplinary way involving all aspects of the criminal justice system.

The problem with using a male model is that it has blinded us to the different characteristics, needs, and issues of the female offender, Judge Carolyn Engel Temin, of the Philadelphia County Court of Common Pleas, argued. Although there usually is "technical equality" for women—men and women receive the same mandated sentences for the same crimes, for example—this is not the same as "substantive equality." For example, women often are placed in separate prisons far from urban centers, a greater burden for women than men because it is difficult for women there to sustain the family relationships that are so important to them and for which they usually have

the primary responsibility.

Recognizing the differences between female and male prisoners can guide appropriate sentencing and treatment. Some key differences:

- Women are much less likely to be convicted of violent crimes or use weapons in the crimes they commit;
- Women are much more likely to be a follower, rather than a leader, of a drug or other criminal conspiracy;
- Women are much more likely to enter the criminal justice system because of family problems, mental illness or sexual activity. For example, many have suffered from sexual abuse or domestic violence at home. In the course of trying to escape that and support themselves, they get involved with prostitution, drugs and alcohol, and often are led into crimes by their association with men involved in criminal activity.

Many women are mothers and have primary responsibility for childrening, but the criminal justice system largely has ignored this and has paid little consideration to the children. Thus, many women lose contact with their children when they go to prison, putting those children at substantial risk. In addition, women offenders increasingly are losing their parental rights altogether.

Thus, a new model for treating women is needed, one that recognizes their different needs. Ultimately, creating a female model may be useful in working with other groups of offenders, such as many juveniles and male offenders who do not fit the traditional "macho male" model.

Any reform effort also must recognize the injustices in the way women are treated in the prison system. Changes in prison policies are needed to recognize the fundamental dignity of women offenders, combat violence and revictimization, and help them in maintaining their ties with their families and children. Women are punished far more than men when they are incarcerated. They may become victims of abuse within the system and are treated in ways that are not consistent with international policies of human rights, said Brenda Smith of Washington College of Law. For example, several reports have documented violations of women offenders rights, such as the 1996 Human Rights Watch Report: "All Too Familiar: Sexual Abuse of Women in United States Prisons." which showed violations in several states.

In 1998, an Amnesty International report described the unnecessary use of restraints, including shackling pregnant women during labor and delivery. Such practices may not violate state and federal laws, but they do violate international law. The United Nations' "Standard Rules for the Minimum Treatment of Prisoners" require women prisoners to be attended and supervised only by women officers, require different accommodations for pre-natal and post-natal care and treatment, and a nursery school staffed by qualified persons wherever nursing infants are allowed to remain in the prison with their mothers. These practices generally are not followed in U.S. institutions. Instead, women offenders often receive inferior education and job training, are subjected to sexual abuse by corrections officers, and lack mental health and other services. Prisons generally lack

policies encouraging family stability for prisoners, such as promoting visits with family members.

Reginald A. Wilkinson, Director of the Ohio Department of Rehabilitation and Correction, noted that the women offender population is growing at a faster rate than the male offender population, and that women offenders come from different backgrounds. A high percentage of women are first time offenders, and when they commit violent crimes, it typically is against someone they know rather than a stranger, often due to domestic or family violence problems.

Commonly women have these characteristics nationally, as well as in Ohio:

- a history of mental illness (39 percent in Ohio);
- a history of substance abuse (75 percent in Ohio). Many were under the influence of drugs and alcohol at the time they committed their crimes (50 percent in Ohio);
- a background of victimization due to violence or sexual abuse (43 percent in Ohio);
- motherhood with children under 18 (75 percent in Ohio);
- a lack of contact with their children (50 percent in Ohio never have their children visit them).

Such characteristics mean we need to develop different programs for women to deal with their problems, including mental health, wellness, and alcohol and drug treatment programs, Wilkinson said. These women also need support as mothers, and programs to help take care of their children.

Women behave differently in prison compared with men. For instance, women generally don't get into trouble in prison as men do over problems such as power and dominance struggles. Rather, women tend to have conflicts over emotional and relationship issues.

Corrections officials know too little about what happens to women after they are released back into communities, and therefore have trouble providing them with necessary support in order to reduce recidivism. Some evidence suggests they have a greater need for support groups and contact with different types of agencies than men. Officials need help in providing community networking, job preparation and job hunting skills, and other tools to help women better integrate into their communities.

Women offenders' voices generally are not heard and thus policymakers often overlook them, gearing policies entirely toward men, said Teena Farmon, Warden of the Central California Women's Facility. Policymakers and community members need a more accurate picture of women offenders so they can respond more appropriately.

This change is especially necessary now as the female population in prison grows, requiring more prisons. In California, for example, the female population has grown 130 percent in the last decade, whereas the male population has grown 110 percent in the same period.

Officials and advocates need to be more proactive in making changes and influencing legislators, she said, if for no other reason than to stave off lawsuits. Litigation often leads to change—in California, for example, it generated an increase in resources for prisoners—but the change is dictated by the parameters of the lawsuit rather than deliberate and conscientious planning. Instead, policy should be shaped based on a better understanding of the female offender population.

#### Women's Prison Reform: Past, Present and Future

Moderator: The Honorable Karen Asphaug

First Judicial District State of Minnesota

Northeastern University Boston, Massachusetts

Dr. Nicole H. Rafter, Professor

Law, Policy, and Society Program

Dr. Nicole Rafter of Northeastern University, author of *Partial Justice: Women, Prison and Social Control*, traced the evolution of public policy about women offenders in terms of three historical turning points.

The first occurred around 1820 when the nation was experiencing a fundamental change in public attitudes toward all criminal offenders. The first penitentiaries in the US were built, a manifestation of the view that through punishment comes reform. Rejecting the view that punishment alone was the appropriate response to criminals, the emerging sentiment was that criminals could "mend their ways" in a prison setting, through penitence, repentance, harsh routines, and heavy labor. In the early 1800s, a prison housed only one or two women among 100 to 200 male prisoners. Male and female prisoners were treated much the same, but women were seen as less able to reform than men and expectations for their long-term prospects were considerably lower.

A second turning point in corrections policy occurred in 1870, when former abolitionists found a new cause in prison reform. Their argument was that penitentiaries were not reforming criminals, but instead were "schools for crime." In response, the American Correctional Association was founded on three basic principles:

- that reform was distinct from punishment and that both were necessary goals of incarceration;
- that reform should involve training, particularly reading, writing, and vocational;
- that there should be indeterminate or flexible sentencing, that would take many different factors into account and allow for early release from prison, for offenders who reformed.

This rehabilitation philosophy paved the way for establishment of all-women's prisons, and was dominant in the United States for the next century. Based on the convictions that men and women are "inherently different," that they "inhabit different species," and that women are "delicate and domestic," prison programs for women were designed to reform them by teaching them to be "obedient servants and good wives."

A third turning point came in 1970 in a reaction against rehabilitation. Criticism of rehabilitation

came both from the right and the left, with conservatives arguing that it "coddled" prisoners, and liberals arguing that it constituted coerced treatment and violated individual rights by imposing change.

While 1970 marked a major shift toward prisoner accountability, at the same time the women's and Civil Rights movements brought issues of equality and justice to center stage. Some civil rights groups, for example argued for flat, categorical sentencing and against unspecified sentence terms, saying that indeterminate terms resulted in longer jail terms for African-Americans than for whites. Rafter indicated that while flat sentencing has led to more parity in sentencing for different populations of people, it also has resulted in prison overcrowding.

Feminist groups demanded equality for women in prisons. For example, they argued that women were receiving longer sentences than men for the same offenses. This injustice was the result of the earlier "separate spheres" approach that viewed women as weaker than men and hence in need of more "help" with rehabilitation, Rafter said. Another issue raised was the need for equal opportunity for women prisoners in jobs and job training-related situations.

While the anti-rehabilitation philosophy remains a strong trend today, Rafter said, scientific research has begun to point the way to a new understanding of crime, the effects of incarceration, and gender-related issues that need to be considered. The future of public policy regarding women prisoners, asserted Rafter, revolves around these new understandings. "Today we know more" than ever before:

- severe sentences for drug offenders have little effect on the drug trade, and mainly affect minor offenders, especially large numbers of women;
- the new drug laws have been "racist in their effects—not intentions," with the prison population consisting primarily of "petty female drug offenders…who are predominantly members of racial and ethnic minorities";
- prior victimization and sexual abuse are prevalent in the backgrounds of women offenders;
- women's prisons have fewer programs for rehabilitation than men's and women have fewer alternatives to incarceration, even though their crimes are typically less violent;
- flat/determinate sentencing not only leads to prison overcrowding but to "immense increases in the costs of imprisonment."

Rafter envisioned a future in which, by 2025, evidence-based reforms in women's prison policy might accomplish the following:

• a reliance on fewer, smaller prisons that house mainly violent criminals, while people who commit property and public-order crimes, as well as battered women who

- "strike back," will be given probation, put in half-way houses, or assigned to treatment;
- a recognition that prisons cause crime (are "criminogenic") and that both offenders and members of the community will benefit from rehabilitative alternatives to incarceration; and
- a savings of vast sums of money which might be used for drug treatment and other resources for women at risk.

#### Women in Prison: Like Mother, Like Daughter Luncheon Keynote Address

## Toni Locy, Investigative Reporter U.S. News & World Report

#### Transcript of Remarks

Good afternoon.

When I was asked to speak at this conference, my first thought was this: We are talking about roughly 140,000 to 150,000 women in jails and prisons across the United States. That's the size of a small city: a little less than the population of Dayton, Ohio. If you look at the issue of women offenders like that, how hard can it be?

But when I thought about all of the stories I've done over the past 18 years that have been about women and the criminal justice system, I realized it is not that simple. You all have your work cut out for you.

I've written many, many stories about women as victims. I've written about women as perpetrators. As you would expect, the line between victim and perpetrator was often blurred. For so many of those women, the story is the same—and has been the same since I started doing this kind of reporting. They are born into poverty. They are physically and emotionally abused by family members as well as by boys in school. They seem to gravitate toward abusive men. They get pregnant young. They drop out of high school. They have no opportunity. Nor do they believe they ever will have a chance.

Your biggest task, I think, will be to change attitudes—attitudes that these women have towards themselves. And attitudes that others, especially in the criminal justice system, have toward them.

In Massachusetts, when I worked for the Boston Globe, a story about the murder of a young pregnant woman led me to examine the quality of criminal investigations conducted by the entire Boston Police Department.

The woman, Kasha Blount, was 19. She was unmarried. When police found her body, homicide detectives and the medical examiner made an assumption: she was black, pregnant and dead, so she must have been doing drugs. They were so wrong. She was not a crack addict. If they had looked at her, they would have seen the body of a healthy pregnant woman. She was not a bum. She had a job. And she had a mother who was one of the first women to work on outside jobs for the New England Telephone Company.

My stories about Kasha forced the police to investigate. Eventually, murder charges were brought against her ex-boyfriend, with whom I learned she was last seen. But because the case was so botched from the beginning, there was not enough evidence for a jury to convict.

Also in Massachusetts, I wrote about Governor William Weld's decision to release several women from prison who were serving long sentences for killing men who had abused them. Weld used his powers as governor to let those women out. He said women who weren't permitted to use the battered women's syndrome as a defense at their trials could be set free. Talking to those women, I heard stories with many of the same themes I would hear seven years later while doing my story on [incarcerated] mothers and daughters [at *U.S. News & World Report*].

I also spent 24 hours in the Massachusetts Boot Camp with its first class of females. Most of the women were petty criminals like shoplifters and prostitutes. Several months later, I looked at that class again and found that a significant portion of them had re-offended. The reasons were obvious. While I was there, I noticed that cursory attempts were made to get at the core problems, the core issues these women had. Going to an AA meeting once a day was not enough for these women. But they could march in perfect step if you asked them to.

In Washington when I worked for the Washington Post, I covered stories that allowed me to see what happens to women once they get behind bars. I also got to see what happens to women on the other side of the bars: the women who become corrections officers. As the Post's federal court reporter, I wrote about a lawsuit filed by women prisoners in the District of Columbia that accused the city's corrections department of everything from sexual harassment to providing woefully inadequate medical care. I also wrote about a case filed by the female corrections officers who made strikingly similar allegations, especially regarding sexual abuse.

It is, for many of you, all-too familiar. You have heard the horror stories of women being raped in prison by guards. You have heard about women who got pregnant while carrying on relationships with guards. In D.C., the former corrections director, Margaret Moore, once told me that the D.C. corrections facilities had one of the most highly sexualized environments she'd ever seen. From what I learned listening to testimony in those cases, I have no reason to quarrel with her. Especially after I found out about a strip tease that went on at one of the facilities with guards organizing it. Female guards.

But I certainly don't think the District of Columbia is alone. Keeping the guards and inmates from having relationships is probably one of the most difficult tasks you in corrections face. I've visited male prisons and I've visited female prisons. And there is simply no comparison. In terms of tension, there can't be anything like a male maximum security facility, like Walpole in Massachusetts. Nor can there be anything more overwhelming than an overcrowded male prison, like the one I visited at Bridgewater in Massachusetts. I remember walking into a large room that had row after row of bunk beds. A corrections officer was with me, but I was quickly separated from him when the men swarmed me, hanging over the top bunks trying to tell me their stories.

There is also nothing that compares to a women's prison. It amazes me still that Alderson doesn't

have a fence and looks more like a junior college than a prison. What's more amazing, and very telling, is that you can say to a woman, "Now, honey, you have to stay here for 15 years," and she does it. It says a lot about the differences between men and women, especially in their attitudes toward punishment.

Everywhere I've worked, I've written stories about heinous crimes. And I've also written stories about the laws that horrified lawmakers passed in response. I've seen how the murder of a policeman by a suspect with several outstanding warrants finally led to serious efforts to go after people who fail to show up for court. I saw how an increase in gang violence led to laws that make it far easier to try kids as adults. And I've seen how many get-tough provisions are pushed through with little or no research about their eventual effects, catapulted into law by sheer outrage alone.

At *U.S. News & World Report*, I finally got the chance to look at how more than a decade's worth of laws and policies have affected just one, just one segment of the criminal justice system: the women offenders and their daughters. I wanted to look at the mothers and daughters because, quite frankly, I think they have been ignored. So much has been written about men, especially young black males, that I thought it would be important to look at the female side of the issue.

And what I found was startling but not really all that surprising, I'm sure, to many of you. Girls are having a hard time dealing with their mothers being locked up. They are missing out on what it means to have a mother. And as much as they don't want to be like their mothers, that is exactly who they are becoming. History is repeating itself with women, not just men, anymore.

You know as well as I that one of the biggest culprits here is drugs. Especially crack because it allowed these poor, overwhelmed women a chance to escape their abused bodies and minds. In interviews I did with these women, they told me that crack allowed them to feel good, even if it was for just a few minutes. But don't underestimate the role that alcohol and marijuana play with these women. That is often how they start out, how they start medicating themselves to forget the pain of their lives. Just about every woman and just about every girl I talked to told me she started out drinking and smoking dope.

Because of their need for drugs, these women are becoming the new repeat offenders. One of the best interviews I did for the Mothers and Daughters piece was by telephone with Dollie Richardson. The Michigan corrections department wouldn't let me in to talk to her face to face, so I had to settle for her calling me collect every 15 minutes for an entire afternoon one day.

Dollie has spent nearly half her life in jail or prison. All four of her children were born behind bars. After each birth, Dollie's mother would be there to take the newborn home to raise. What was revealing about Dollie was that she didn't have the bravado that many inmates have. She talked about how scared she is of life. How scared she is when she is outside the prison walls. How frightened she is of her kids' expectations. How she stressed out at the thought of cooking a Thanksgiving turkey. She has been a drug addict since her brother showed her how to shoot heroin when she was a teenager. She knows no other life. She knows nothing other than prison.

So what do you do with a 44-year-old woman like Dollie? Do you write her off? Or do you try to get at the issues that are so ingrained in her? And how do you do that? I think one of the ways is to focus on her children.

One thing that struck me when I was doing this story was that many of the women in prison become obsessed with their kids. Maybe it's because they have so much time on their hands. But I suspect there is something more going on. I think these women are finally cleaner and more sober than they have been in a long, long time and are waking up to the fact that they have kids. When they were on the outside, they were so drugged out I'm sure they forgot sometimes that they even had children. But once in prison, they remember, 'Oh my God, I have kids. Where are they? What's happening to them?'

I know that prison authorities shudder at the idea of getting into this area. It's like cops when community policing first began. They didn't want to be turned into social workers. I don't think a prison warden wants to do that either because it's not easy. You are dealing with people and families who give new meaning to the word dysfunction. The children have basically raised themselves.

When I started out trying to figure out what was happening to the daughters of these women in prison, I pretty much figured that calling prisons and asking 'How many of your female inmates have daughters who are getting into trouble' wasn't going to get me very far. So I worked it the other way. I called the juvenile agencies in all 50 states and the District of Columbia and asked, 'How many of the girls in your systems have moms who have been in trouble?' My editor thought I'd be lucky to get five or six states to respond. We were both pleasantly surprised when 21 states came through with information.

But where you all come in is here: most of those states responded by saying, "Oh, what a great question." They couldn't answer the question off the bat, but they did the research for me. But why did they have to do the research? Why couldn't they have ticked off a response immediately? If a girl is in trouble, there is a reason. And if her mother is locked up, that has to be a big part of that reason. How can juvenile justice agencies keep these kids from becoming the adult criminals of the future, if they don't know who these kids are? If they don't look at such an obvious cause of a kid's distress?

As a criminal justice reporter, I know all too well how the various parts of the system do not or will not talk to one another. If you are talking about truly dealing with the female offender, it seems only logical that you are going to have to get the adult and juvenile systems talking to each other. And you are going to have to get both systems to focus on how having an incarcerated mother affects her children, and how having children affects an incarcerated woman. Many prisons are making efforts in this very area. But having a picnic once a month for the moms and their kids doesn't provide enough time to get at the deep feelings these mothers and daughters have toward one another. Two of the teenage girls I interviewed at length—Starr Wallace and Dollie Richardson—showed me that.

Starr was so hard. She was so angry. And my interview with her and her mom was one of the most fascinating I've ever done. Starr used me, by talking to me and answering my questions, to tell her mother things I don't think she had ever said before. And, based on Anita Wallace's reaction, I think it was the first time she ever heard her daughter—really heard her—say those things. At one point in the interview, I had to look over to see if Anita was still sitting beside me on the couch. She had stopped moving. She had, it seemed to me, stopped breathing. Starr does have it together, a lot more than her mother. But she dropped out of school. By doing so, she has limited her options. When I spoke to her, she was working as a cashier at a Sears-type store.

Young Dollie Richardson, who is named after her mother by the way, isn't as hard as Starr. Not yet. Probably the only reason is that Dollie has had some love in her life. Her grandmother has been there for her. She told me that that is what has kept her going. She is angry with her mother, but she is also embarrassed by her. She told me how, when she was younger, her mother took her with her when she stole a fur coat. Dollie couldn't look me in the eye when she told me that.

Doing this story I also came to understand what Denise Johnston meant when she used the word 'chaotic' to describe the kind of lives that the children of the incarcerated lead, even before mom gets locked up. And after that happens, it is another kind of hell. Being bounced from one relative to another, or from one friend to another, takes its toll on kids. And they blame their moms, as they should. But they don't want their moms to be locked up forever. They still want to be with their mothers.

After I finished interviewing the Wallaces, I was telling Starr about my visit to Alderson. I told her about some of the women there who have been locked up for 10, 15 years. She was clearly startled—and frightened—by this. Her mother's prison stints usually last a year or two at the most. As mad as she is with her mother, she wouldn't want her to be away much longer than that.

She is still loyal to her mother, as I discovered many of these girls are. No matter how much pain their mothers have caused them. Michelle Barnes and her mom, Mary Braxton, are two of the best examples I found of this. Michelle's mom was in a gang, and as a young girl, she remembers violence being a part of her family life. As so often happens with these mothers and daughters, their roles have shifted. Michelle is the protector, the mother, if you will, while Mary is the errant child. They are the two women in my story who are doing time for murder together at a Minnesota prison. They are also an example of the generational aspect of crime.

What's different here is that this is starting to happen with women. I didn't find that many Michelles and Marys. I suppose it's up to you all to make sure that, in the future, I don't find any more.

Good luck, and thank you for your time.

#### Plenary II

#### Women's Pathways to Criminality

Moderator: M. Kay Harris, Chair

Department of Criminal Justice

Temple University

Philadelphia, Pennsylvania

Dr. Meda Chesney-Lind

Professor of Women's Studies

University of Hawaii at Manoa

Honolulu, Hawaii

Naya Arbiter

Principal/Board of Directors

Extensions & Amity Porterville, California

Dr. Angela Browne, Sr.

Research Scientist

Harvard Injury Control Research

Center

Harvard School of Public Health

Boston, Massachusetts

"Regardless of how a woman journeyed into the abyss, she should have as much of a chance as her male counterpart to get out, and she doesn't. Today, the shunned woman does not wear a scarlet letter on her back. Instead, she wears a number. Can we help her regain her name? Can we listen and bear witness to her story? Do we have the courage to console her? The strength to love her? The generosity to include her? Can we pave a path back into the community for her?"

—Naya Arbiter, Extensions and Amity

The number of women in prisons has been growing dramatically in the last two decades, though women follow very different pathways into criminality and the corrections system than do men. Women are especially likely to end up in prison due to drug-related offenses and to problems related to family and intimate violence. We need to use more community-based interventions to help reduce the number of women in prison and help them when they return to the community. Women need to voice their past experiences in peer support groups and in safe places where they can feel comfortable speaking freely, learn how to deal more effectively with their problems, and heal.

To understand how to work with the woman offender, we need to understand the growth in the number of women in prisons and the reasons for this explosion. The dramatic increase began in the 1970s, when there were around 5,000 women in prison. By the 1980s, this number had increased to nearly 12,000; in 1990, to more than 40,000; and by 1998, to 84,000 women. Not only are there more women in prison, but the proportion of the prison population that is female is at a historic high, according to Dr. Meda Chesney-Lind. In the 1970s, women comprised only 3 percent of the prison population; today they represent nearly 6.5 percent. In response, the number of facilities built to house them has increased, particularly since 1990 when there were 71

facilities, up to 104 in 1995, and even more now.

Ironically, the incarceration of women prisoners has far outpaced the rise in the number of crimes committed by women, Chesney-Lind noted. While the number of women's crimes increased 35 percent during the 1990s, the number imprisoned jumped 163 percent during this time. To some extent, this has given the public an unrealistic fear of the growing criminality of women, creating a dangerous image of the predatory African-American gang member.

In fact, much of this dramatic increase in women's involvement in criminal justice is due to public policy shifts in the 1990s, which have increased both arrests and sentences for certain crimes. Police often are now required to make mandatory arrests in domestic violence incidents, and judges must hand down mandatory minimum sentences for drug crimes.

In the case of domestic violence, an increasing number of those arrested are women. In California, for example, women's share of domestic violence assault arrests went from 6 percent in 1970 to 16.5 percent now, and in some jurisdictions the percentage is even higher. Among them are Concord, New Hampshire, where women are 35 percent of those arrested for domestic violence assaults, and Boulder, Colorado, where the percent arrested is 25 percent.

Likewise, in the case of drug arrests, the mandatory minimum sentencing laws in all states, which have led to a 44 percent increase in the likelihood of time in prison after an arrest, disproportionately affect women. The reason: an increasing number of women have turned to petty drug deals to survive economically, especially in places where the prostitution market has collapsed. They are especially vulnerable to arrest and imprisonment in these low level deals because they do so many of them. Citing research in Colorado by Kim English, Chesney-Lind noted that the average deal handled by women is only for \$10, and the average women engages in about 20 of these deals a day to make enough to survive economically.

Other statistics highlight the dramatic increase in women's imprisonment and their difference from men in their rates and reasons for imprisonment, Dr. Angela Browne noted. In the last decade especially, the number of women prisoners has been increasing at a faster rate than total prison population. However, while 70 percent of male offenders were imprisoned for violent crimes and about 25 percent were serving for solely-drug-related offenses, the pattern was almost exactly the opposite for women: more than 60 percent of them were in prison for drug-related crimes and only about 25 percent for violent felonies. Women in prison for drug crimes are poor and predominantly from minority groups; they are disproportionately arrested and convicted for this crime, even though whites are the most frequent users of illegal drugs.

Women's pathways into crime and incarcerations often are related to past traumas due to victimization and family and intimate violence. In research conducted in New York's Bedford Hills Correctional Facility for Women with a sample of 150 women, ages 18 to 59, Brown found an extensive pattern of victimization:

• 70 percent had experienced severe violence from parents or caretakers;

- 59 percent were sexually molested as children;
- more than 75 percent had experienced sexual or physical assault by intimate partners as adults;
- 77 percent had been victims of severe physical or sexual violence by people other than their parents or partners.
- Only 6 percent of these incarcerated women had <u>not</u> experienced at least one serious physical or sexual assault in their lives.

The roots of this violent victimization run deep, since most of the women had very early experiences of trauma. The majority experienced their first assault as young girls, and by age eleven, two-thirds of those who experienced child sexual assault had already been sexually molested, usually by a parent or caretaker. By the time they reached adulthood, 82 percent had experienced severe parental violence or sexual molestation. Based on this and other research,

Dr. Browne concluded that no programs for incarcerated women—whether parenting programs, skills training, mental health services, substance abuse treatment, or other interventions—can be fully effective without taking into account these experiences of violence.

Proactive community-based interventions that address these experiences can help keep women out of the criminal and correctional systems. Such strategies not only are more humane and effective, but they also are more cost effective for society, Dr. Browne said. The estimated annual cost to house and feed each new inmate in the United States is \$20,000, and there are approximately 1,500 new inmates every week. By contrast, early community-based interventions for women and children exposed to physical and sexual violence cost far less, and can help to deflect them from the pathways that lead to crime and incarceration. Also, alternative responses to drug involvement involving minor offenses would reduce the number of women and adolescents sent to prison or jail.

It is healing for women in prison to have a chance to give voice to their past experiences of violence, assault, and victimization, said Naya Arbiter of Extensions and Amity. Her organization provides incarcerated women a chance to tell the truth about their experiences in a safe environment. This is especially critical since many women became involved in criminality as a way to escape "a field of lies" and "to feel real…authentic…and alive," as Arbiter put it.

It also was helpful in these sharing programs to have an "informed witness," a person whose role is to listen and allow the women to speak freely, so they can develop ways other than criminal activity to deal with their problems. The women also are helped through the support of peer groups. Videotapes of several women speaking about how they were assaulted by their family members, intimate partners, and others, and in some cases, how they attacked their loved ones in response, illustrated the traumatic effect of these experiences. They also showed the need for the women to talk about their experiences now to help them heal.

#### Plenary III

#### Effective Interventions—Looking at Gender Responsive Programming

Moderator: Anne McDiarmid, Supervisor

Program Unit

**Dakota County Community** 

Corrections

St. Paul, Minnesota

Dr. Stephanie Covington, Codirector Institute for Relational Development

La Jolla, California

Dr. Barbara Bloom, Assistant

Professor

Administration of Justice

Department

San Jose State University

San Jose, California

More gender specific and responsive programming in the corrections system is necessary to address the needs of women offenders. Most programs have been developed for men and co-ed programs are generally based on men's needs. Even programs for women generally do not reflect their needs. As a result, women, who generally come into the criminal justice system with histories of drug addiction and alcohol abuse, sexual abuse, trauma, and a lack of job skills and education, generally do not do well. They also have little support in their communities or families for sticking with programs, resulting in high drop-out rates.

In spite of this history of failure, we do know what works well for women: programs that take into account their different needs. Programs should be based on supporting women in relationships, providing them with good role models and mentors, helping them work through their problems with sexual abuse and trauma, providing them with the job training and education they need to find productive work, and helping them gain increased feelings of self-esteem. Equality for women does not mean sameness in programs for men and women. Instead, programs should be tailored to women's lives and reflect the cultures from which they come.

To provide better treatment, we need a better understanding of women's paths into the criminal justice system, Dr. Bloom of San Jose State University noted. Of critical importance is that *gender matters*. Women's paths are usually quite different than for men, and often are paved with pain. Commonly, they have experienced childhood trauma and sexual abuse, and an early onset of alcohol and drug use, often as a way to cope with their pain. They commonly lack job skills and have a history of sporadic employment. Many are single parents with young children.

This broad understanding must be reflected in gender responsive interventions. These need to be holistic programs that are related to women's social realities. They should be family-focused, and

support women's continuing connections with their families and children. Key needs women have when they come into the criminal justice system are:

- substance abuse treatment;
- physical and mental health care;
- job skills training;
- parenting and reunification services;
- a need to have visits from their children;
- a need for peer support groups to help them deal with past trauma experiences, including the domestic violence many have experienced as adults.

The stark reality for incarcerated women is quite different. Often their needs are ignored. In a study Bloom conducted and reported in her book, *Why Punish the Children*, 54 percent of all incarcerated women never saw their children while in prison.

Women also need to have the necessary support services when they leave incarceration so they can sustain themselves outside in the community. Safe and drug-free housing, childcare, transportation, and connection to community services are critical. Frequently when women leave prison, they are expected to locate and get to services on their own; they often are given a list of agencies in their community and expected to negotiate the systems themselves. That does not work for many of them: they may need transportation or simply help understanding how the various agencies work. They also may not have support from family members. Requiring women to function as if they were independent and empowered, when in fact they are not, does not work well.

Ideally, each woman should be treated in the least restrictive environment with an individualized, multi-disciplinary approach, taking into account her particular culture and her psychological and social needs. As much as possible, she should be treated in community-based settings where she can be connected to her family and children and to resources in the community. Most effective is an asset-based approach, in which treatments are designed to build on women's strengths rather than their weaknesses, and expand from there to develop their increased self-reliance. Too many programs are tailored around women's deficits, while research from many other disciplines show greater success is possible with a strength-based model.

In developing any of these programs, it is important to create an environment that promotes safety and trust, even though this may be difficult in a custodial institution. It is also important to include a component of mentoring and role modeling, particularly by using women who have gone through incarceration and become successful on their return to the community. This way, these role models mirror the lives of the women in treatment. They have "been there" but succeeded, so the incarcerated women can feel there is hope for them, too. Ideally, such programs should continue on after the woman returns to the community, so the woman can continue to gain support from these mentors and role models.

Staff training is critical for these programs to work. Many staff members may be resistant to these

programs because of long-term belief systems and stereotypes about what "these women" are like and what to do for them. Coming from a command and control culture also contributes to this unwillingness to change. But staffers must learn to become more supportive of the women's needs to give the women the treatment they need. Additionally, it is best if the staff members involved in treating women reflect the client population, so the women feel more comfortable with them—and as appropriate, bilingual staffers or program materials should be incorporated in the program.

Better evaluation and assessment tools are needed. Recidivism is an appropriate outcome variable, but other measures of success, such as the employability of the women and their ability to get and keep a job, also are important.

Dr. Stephanie Covington of the Institute for Relational Development argued that in developing these programs, it is important to take account of the major theoretical underpinnings of the psychology of women so their treatment is most appropriate. It can be difficult to introduce these ideas into the criminal justice system, since it is based on a culture of control and treatment is based on a culture of change.

The Theory of Addiction. The majority of women in criminal justice settings are there due to alcohol and drug related offenses or activities. On one level addiction is a disease, but it also has social, psychological, spiritual, environmental, and political dimensions. Physiologically, some individuals may be more predisposed to become addicted than others. Once an individual is addicted, certain chemical and physiological changes occur in the brain, creating a tremendous craving that disrupts cognitive, emotional, and social behavior. Thus, merely cutting off the drug supply is an inadequate response. It is also necessary to treat these effects of addiction, as well as the relational dependencies that develop for women who see drugs as an escape from other problems, a way to support relationships with intimates who are on drugs themselves, and a form of self-medication for problems of mental illness.

Yet because of political barriers, we have not been able to use what we know about treating addiction. For example, in 1992, the federal government spent more than \$13 billion to reduce cocaine use, with the bulk of this going to domestic enforcement (73 percent) and interdiction (13 percent). Only 7 percent went to treatment, though subsequent research has shown the only thing that worked was treatment. However, there is still little support for treatment compared to other approaches.

Relational Theory. We need to understand more about how women grow and develop in order to affect their lives. A useful approach is based in relational theory, which was originally developed by Jean Baker Miller and her colleagues, working at the Stone Center at Wellesley College. Traditionally, theories of psychological development have suggested that our goal in life as adults is to become independent and autonomous, so we treat individuals accordingly. However, according to relational theory, we have a strong goal to achieve a connectivity and intimacy with others, based on the reality that none of us are independent and autonomous. Rather, we, like all living things, are dependent, vulnerable, and interconnected, and women especially seek out this

connectivity and intimacy, since this is how they develop their sense of self—in relationships. In fact, women who are substance abusers may think of their addiction as a relationship, which makes it hard to give up. In using drugs as a coping mechanism to deal with the pain of what has happened to her or what is missing in her own human relationships, she may have come to see drugs as a best friend. It's a relationship she has become dependent upon, and she needs treatment on how to let go of that dependency.

Theory of Trauma. We need to recognize that most women in the criminal justice system have experienced deep levels of trauma and before they can respond to any treatment program, they need to feel safe. Commonly, these women have been abused in churches, by psychotherapists, in their relationships, and in their daily lives in their communities. A common scenario is that a woman has been abused by her father or step-father at ages 5-10, and is introduced to drugs at age 9 or 10. Often she uses disassociation involving a mind-body split to deal with this early abuse, and when she takes drugs, she finds that they can induce the disassociation; she continues to use them, becoming an addict. Many women, whether abused or not, also are suffering from mental illness, and they may turn to drugs and alcohol to self-medicate. An additional source of trauma may occur when a woman is brought into the criminal justice system and is subjected to body searches and restraint, which can trigger old memories.

Multi-disciplinary treatment programs must take into consideration these psychological dynamics that have led women into the criminal justice system. Often treatment efforts are based on social learning theories or cognitive behavior theories that are premised on teaching new behaviors or changing thoughts and attitudes that are thought to lead to different behaviors and feelings. However, this approach doesn't work well with women, since their thoughts and feelings are so intertwined, or their feelings trigger their thoughts. Thus, to work effectively with women, we have to reach them through their hearts and guts, not only through their heads.

We also need more comprehensive, multi-dimensional programs, since many programs are fragmented or contradictory and don't work very well. For example, a woman may be told several different things by different criminal justice personnel. One may tell her drug addiction is not a disease, but something in herself, so she must work on the whole person. Another from a cognitive therapy perspective may give her a workbook and tell her to use this since drug addiction is a learned behavior. And then, in a 12-step program, she may learn her addiction is a disease after all, and she simply should refrain from drugs. Still another problem is that many treatment programs are not truly treatment in the full sense; a drug and alcohol education class cannot substitute for genuine treatment, for example.

Programs should be individualized, take account of each woman's needs, and should incorporate treatment modalities that take into consideration four key dimensions: self, relationships, sexuality, and spirituality.

*Self.* Women need to develop a sense of self that goes beyond just being an addict or alcoholic and the associations that typically go along with it, such as being a "slut" or "bad mother." The goal of programs should be to help women become productive citizens; to work toward that goal,

women need an improved sense of self-esteem so they can feel hopeful.

*Relationships*. Women need to have a better understanding of healthy relationships; many of them have never been in one or even seen one. They need to see themselves as more than mothers or vessels of children, and feel more value in themselves as women.

*Sexuality*. Since many of these women have experienced sexual trauma and have a lack of sexual information about their bodies, even though they have had a lot of sex, they need to learn to think of themselves as sexual beings in healthier ways. They need a better understanding of their bodies and of how to control their sexuality.

*Spirituality*. Women need to have a connection with something greater than themselves, to give them a sense of greater personal strength. This does not mean religion necessarily but rather having a greater connection with nature and the natural world.

#### Topical Workshop: Creating Systems to Support Women's Development

#### Getting and Keeping Work

Moderator: Mary Scully Whitaker

Director of Planning for

Female Offenders Director's Executive Staff

Minnesota Department of Corrections Michigan Department of Corrections

Nancy L. Zang, Special

Administrator

St. Paul, Minnesota Lansing, Michigan

Susan E. Poole, Warden

California Institution for Women

Corona, California

This session focused on effective prison programs that provide practical support and prepare women offenders to re-enter their communities and the workforce.

Nancy Zang, from the Michigan Department of Corrections, described her state's comprehensive assessment, counseling, and planning for incarcerated women that begins at intake and extends through release from prison. Zang noted that Michigan's Vocational Assessment and Evaluation Unit (VAE) was created to help incarcerated women assess their skills and abilities, identify barriers to employment, and develop goals and objectives for their stay and release.

The VAE program begins by collecting basic demographic information about each woman, including educational and work history, upon her entry into a facility. Several assessment tools are employed to measure the woman's academic skills level, vocational interest and aptitude, and learning and communication styles. After these initial assessments are conducted, the VAE counselor and woman work together to develop individualized goals and a detailed plan to meet those goals. The plan outlines alternative and long-term educational and vocational strategies, support programs, and specific employability skills that the woman needs to achieve long-term employment. All prisoners are required to sign a plan.

Women without a high school diploma or a GED (a statutory requirement for all Michigan prisoners prior to release) are enrolled in an academic program geared toward achieving a GED. Women who have a diploma or GED are engaged in vocational training programs and prison work assignments through Prison Industries.

Michigan's pre-release programs focus on building women's self-efficacy or self-sufficiency in eight areas: communication skills, problem solving, stress management, anger management, employability skills, time management, money management, and family and community living. The most comprehensive of these programs is the Life Skills Institute. The voluntary program begins 6-9 nine months prior to a woman's return to her community and lasts 12 weeks.

While effective in preparing incarcerated women for re-entry, the Life Skills Institute does not reach all women prisoners in the state. Thus, the state developed three additional programs, Core, Extended Core, and Core Plus, to ensure that all incarcerated women receive some preparation before discharge. Each of these programs incorporates aspects of the Life Skills Institute programs.

The state also began a pilot program in 1998 that uses the resources of the Michigan Talent Bank (MTB), a computerized registry, to match an individual's skills to specific job openings. Upon leaving a correctional facility, every prisoner has an opportunity to post a resume on the Internet through an MTB office in their community. Program participants also are connected to an MTB official in their local communities for job placement assistance. Regardless of which pre-release program women complete, each leaves prison with a personalized information sheet detailing available community resources, including food and shelter options, churches, health agencies, and substance abuse agencies.

Susan Poole, from the California Institution for Women (CIW), discussed her organization's experiences with helping incarcerated women prepare for re-entry into the community and the workforce. It is important, she said, to address the whole work history of the woman, including barriers and victimization that may get in the way of successful employment.

CIW's pre-release program is three weeks in duration and generally takes place just before a woman leaves a facility. The program has several components, including self-awareness, goal setting, employability skills and employment possibilities, parole resources, and assistance in obtaining necessary paperwork, such as a driver's license, state identification, social security card, education transcripts, and credit evaluations.

A key strategy for CIW is incorporating community involvement in these programs. One community partnership, established in 1987, is the Jobs Plus program, which uses sub-contracted job developers who come inside the prison and complete an intake and assessment of women participating in vocational or academic programs. These job developers help the women write resumes and locate jobs that match their skills. This assistance continues after women leave the facility, and includes help with coordinating child care, transportation, and other needed services.

The program has been successful in helping relieve the pressures and stress the ex-offender experiences in trying to get back on her feet. A 1991 study found that the program had reduced the likelihood that a female offender would return to crime as a way of supporting herself, noted

Poole, citing a 1991 study. Only 35 percent of female ex-offenders who participated in the program returned to prison, compared with 60 percent of those who were not in the program.

The Jobs Plus program is administered through a performance-based contract with the California State University Foundation. Under this contract, service providers receive a percentage of the total payment in increments corresponding with successful job placement and retention. This insures continued support of the parolee during her initial adjustment and transition to work.

Realizing that substance abuse is a major barrier to successful community reentry for women offenders, the California Department of Corrections (CDC) developed a comprehensive substance abuse treatment program for women. The first program entitled "Forever Free" was established at CIW in 1990. As an example of cross-agency collaboration, the Forever Free program is administered under contract by Mental Health Systems, Inc. They bring service providers to the facility to help women substance abusers develop strategies to increase their likelihood of success upon release. In addition to counseling and substance abuse treatment, the program includes a recreation component, offering opportunities to develop social and recreational skills apart from drugs and alcohol. Women can take part in the program for 4 to 6 months.

Noting the importance of aftercare services, Poole indicated that an additional component called Female Offender Treatment and Employment Program (FOTEP) was recently added. FOTEP provides support services when a woman re-enters her community. The services are similar to those received when the woman was in prison and include treatment for substance abuse. A key component is the availability of transitional housing and residential treatment to help ease reentry. Eligibility for the housing and treatment program is based upon successful completion of the prison substance abuse program. Participants in transitional housing must agree to complete a maximum 6-month stay, during which they also receive training in cognitive skills development, life and job skills, and anger management. Nearly half of women in Forever Free opt for transitional housing, rather than immediate re-entry into their own communities. More than 65 percent who participate in the program and transitional housing complete their parole.

The key to providing effective services for women offenders, Poole said, is to focus on each woman's self-esteem. "Regardless of how good your pre-release program is, or your vocational program, or academic program, if you haven't created the environment, that building block, that deals with the self-esteem issue we hear is so important with women, you're not going to have people utilizing these services because they don't believe that the services apply to them or [can] be of help to them," she said.

## Topical Workshop: Creating Systems to Support Women's Development

# Getting Healthy, Staying Healthy: Physical & Mental Health/Substance Abuse

Moderator: Dr. Stephanie Covington, Codirector Naya Arbiter

Institute for Relational Development Principal/Board of Directors

La Jolla, California Extensions & Amity
Porterville, California

Dr. Leslie Acoca, Director Women and Girl's Institute

National Council on Crime

and Delinquency

San Francisco, California

Dr. Joan Gillece, Assistant Director Division of Specific Populations

Department of Health and

Mental Hygiene Baltimore, Maryland

Panelists explored obstacles that hinder women offenders from becoming healthy and identified principles, programs and systems that can help women overcome physical and mental health problems.

When Dr. Joan Gillece joined the Maryland Correctional Administrator's Association Task in 1992, she found that instead of seeking solutions to the problems of mentally ill offenders, they were, in fact, "trying to avoid responsibility for the mentally ill in jail."

"I went to the jails, looked at the folks there and realized...these are the same people I see in hospitals...I had the homeless, the jailed, the co-occurring disorders...Someday they might be in the jumpsuit in the jail; another day at the state hospital; another day in the homeless shelter...I realized I [was] not serving distinctive populations. Because there was not holistic, comprehensive care, [the same people] were rotating from system to system," Gillece said. Through a combination of blended funding and cross-system partnerships, Gillece helped change the response to the problems of mentally-ill offenders.

Funding was secured for counties to develop model systems of care for mentally ill people in the criminal justice system. The goals of these programs include providing comprehensive support to mentally ill ex-offenders and reducing recidivism rates at psychiatric facilities, homeless shelters, and jails. The programs include six components: basic assessment, crisis intervention, medication, individual and group treatment, case management, and aftercare referrals through linkages. As a requirement of funding, these programs have to provide psychiatrists and case management services in jails. In addition, counties are required to have local advisory boards of all agencies

that might interact with these individuals upon their release from detention facilities.

Maryland also developed programs to meet ex-offenders' needs once they return to the community. Many ex-offenders have no effective support system of families and friends and, as a result, community rehabilitation often is not effective. The problem of inadequate housing is particularly acute. "You have folks who are in jail because the systems have failed them ...because [people] have been estranged from community services," Gillece noted.

With a \$5.5 million grant from the Department of Housing and Urban Development's Shelter Plus Care Program, Maryland established case management services that follow clients from the jails to the community. Under this program, a case manager and offender jointly develop a plan for her future, including educational, work, recreational, community service, and other activities, and the manager also secures an apartment for the client. To date, the program has served 257 adults and 200 children. More than 90 percent of program participants between 1996 and 1999 have remained in permanent housing.

Gillece also described a recent Maryland initiative to provide addiction, mental health, and recovery services to women in three local detention centers. Funded through a Women and Violence grant from the Substance Abuse and Mental Health Services Administration, this program focuses on mental health, substance abuse, medical, and trauma issues. It includes biweekly treatment groups in the detention centers, conducted by treatment teams of specialists, and peer support sessions. These programs continue after a woman returns to the community, with transportation and childcare provided.

To ensure service integration, a multi-disciplinary treatment team meets weekly. In addition, all corrections staff receive training in trauma to help them better understand and serve the women under their supervision. A nine-women advisory board, which includes women from the population being served, meets with program management twice a week to offer input on program design and delivery.

Gillece acknowledged the difficulty in trying to establish the political support needed to serve mentally ill offenders. However, she noted that Maryland has been able to develop program partnerships through a combination of state mandate and education about the costs associated with recidivism. She cited the primary lesson she's learned from her experiences with crafting multi-system responses to the problems of mentally ill offenders: "Become friends with your enemies." She noted that she is now chair of Maryland's Correctional Administrator's Task Force, which seven years ago resisted addressing the needs of mentally ill offenders.

Dr. Leslie Acoca, of the National Council on Crime and Delinquency, reflected on her years of work surveying women and girls in the correction system, researching issues such as barriers to effective substance abuse and parenting programs, and the lack of developmentally appropriate services for young women in adult facilities. Acoca argued that lack of responsive and effective health care is the main issue facing women today, and that conditions in correctional facilities simply are an intensified version of the situation of women in the general population. "Health care

issues are a 'tsunami' and will engulf social justice and many other issues within the next decade if we don't make them a priority," she said.

In 1994, 54 percent of women in California state prisons tested positive for Hepatitis C; the following year, 30 percent of the 500 women in a Connecticut's women's facility were HIV-positive; many of the woman also were pregnant. Acoca warned, "if we don't deal decisively and in a very sophisticated way with the medical and psychiatric issues of prisoners for this generation and the younger generation of young females in the juvenile justice system, we are in a world of trouble."

In studying young women in adult facilities, Acoca found a lack of developmentally-appropriate services and mistreatment by corrections staff. In one instance, young women in the presence of male corrections officers were subjected to strip searches and cavity searches after the conclusion of a focus group she had conducted.

Older women in detention facilities express the most concern for the safety and treatment of younger women prisoners. Acoca acknowledged that in the current political climate it is not possible to keep younger women out of adult facilities. However, she stressed the importance of understanding the situation these young women face and of providing the different services they need.

Public policy shifts regarding all women threaten to undermine the health and well-being of women offenders and their children, Acoca warned. The Adoption and Safe Families Act, for example, puts a rigid cap on the amount of time that incarcerated mothers have to reunify with their children before they lose their parental rights. Acoca also cited several negative implications of the Welfare Reform Act for women and girls. For example, the law excludes drug offenders for life from receiving public assistance benefits and requires adolescent mothers to live with an adult caretaker, often resulting in the abuse of these young women and their children by relatives.

Naya Arbiter, from Extensions & Amity in California, stressed the need to create safe environments for women within correctional facilities so that these women can become and stay healthy. Arbiter challenged the audience to examine for themselves the qualities of places and people that made them feel safe. She stressed the need to "develop a vocabulary of sanctuary" that could be used to create therapeutic environments for women in correctional facilities. "We have to think about these things first for ourselves, I think, if we are going to develop places for women to change. And I am not talking about safety at the expense of good security...if you're going to have good treatment programs inside an institution, you need to have good security...I don't think [security] has to be at the expense of good emotional sanctuary."

The staff and work environment of correctional facilities significantly affect women who are incarcerated there, she noted. Friendly relations between staff and inmates can help generate "an enormous amount of sanctuary," she said, stressing the need for staff to view inmates, and for inmates to view staff, as three-dimensional human beings. Simple measures, such as acknowledging the birthday of an inmate or her children, can increase significantly the feeling of safety.

Women offenders who have experienced serious trauma, such as rape, need to articulate these experiences. She stressed the need for "courage to have people go through the details," so they can "grow larger than their wounds."

## Topical Workshop: Creating Systems to Support Women's Development

#### **Battering Issues**

*Moderator*: Catherine Pierce

Deputy Director for Program

Development

Violence Against Women Office

Office of Justice Programs

Washington, D.C.

Sue Osthoff, Director National Clearinghouse for the Defense of Battered Women

Philadelphia, Pennsylvania

Dr. Beth Richie, Associate Professor Department of Criminal Justice and

Women's Studies

University of Illinois at Chicago

Chicago, Illinois

Women who experience physical, sexual, and emotional abuse and coercion often are the same women who are involved with the corrections system. In addition, these women often have been abused from childhood—by family, by friends, by gangs, and even by public institutions. However, the criminal justice system frequently does not acknowledge the complexity of these women's lives, particularly the relationship between abuse and criminal behavior.

Instead, the correctional system typically uses an "incident-based" approach, which considers only the specific offending behavior in deciding how to respond to these women. Both panelists indicated that a more comprehensive approach is needed. Corrections personnel need to work with battered women's services and other community groups to help understand these women's traumatic, complicated lives and to help them remain out of the criminal justice system and begin to lead more productive lives.

Dr. Beth Richie, of the University of Illinois at Chicago, explained that violence against women takes many forms. Although physical violence is most obvious, abuse also can involve sexual and emotional attacks, economic exploitation (preventing the woman from working, taking her money), and forced or coerced involvement in crime. Further, this abuse often happens throughout a woman's life. The anti-violence movement has made a distinction between childhood and adult sexual abuse, but women experience the abuse as a continuum, she said. "We need to take a broader, life-course understanding of violence against women."

In addition, battering is not just a private, household act. It happens among the extended family, networks of friends, schools, gangs, and in public institutions—by corrections and parole officers,

and the police. Most women in conflict with the law generally have suffered all of these forms of abuse during all parts of their lives, in all of these settings, said Richie.

Richie also indicated that many women offenders suffer from post-traumatic stress disorder. Others have serious mental health problems that are misdiagnosed or undiagnosed due to lack of understanding of women's culture, and the role of culture in the manifestation of mental illness. Richie observed, "we're trying to apply models that don't work, because we're working with a population upon which these theories haven't been based."

Unfortunately, according to Richie, research on violence against women has not done a good job of examining the complex lives of these women and the complex patterns of abuse and criminal behavior in which they become involved. Women in conflict with the law often come from low-income communities of color, and Richie asserted that research is needed to deepen the understanding of how women from different cultural and racial backgrounds express their gender and relate to men. Expressions of pain, fear, and anger often are different, for example.

There also is a need for more research about issues related to class, community and the police. In poor communities of color, loyalty to men, especially men who are in trouble with the law, can leave battered women in a complicated position. Calling the police, which is the suggested response for women when they are abused, doesn't work if these women live in communities where police represent a "community assault," she noted.

Prison services also are not organized to take account of the complicated and inter-related factors that lead to crime. Richie recalled meeting a woman at a pregnancy prevention group, again at a battered women's shelter, and once again in a prison. Richie said, "we failed her each time because we planned categorical services...You could be a pregnant adolescent, or a battered woman, or a criminal, but you couldn't be all of those things at the same time," she said.

It is also difficult for women offenders to determine where to go for help. Many women do not trust the corrections system to be their advocates, instead feeling that the system is adversarial. Additionally, staff at battered women's shelters typically see themselves as advocates for crime victims, not as service providers for violent offenders—even if those offenders are battered women. Thus, women's shelter staff need to understand that the battered women with whom they work are at serious risk for violating the law.

Once in court, women need to integrate their own abuse or "victimization" into their defense, Richie said. With the assistance of battered women's advocates and others, these women need to explain how they felt forced or coerced into crime to protect themselves and their children, so that judges can take these factors into account when imposing sentencing.

Sue Osthoff, from the National Clearinghouse for the Defense of Battered Women agreed, noting that women commonly are not identified as battered at the time of arrest or trial. She also pointed out that batterers can sabotage women's attendance at mandated court dates and meetings, through not showing up to care for children, beatings, or threats.

Incarcerated women who have been abused for much of their lives frequently contact the Clearinghouse. "Many women write to me and say, 'the first night I felt safe was my first night in prison,' Osthoff said. Noting that tactics of abuse are designed to reinforce power, she noted that these women have been controlled by violence and the threat of such violence, which "doesn't have to be persistent" to be effective. "Rather, it's often infrequent," she said.

Battered women enter prison for a variety of reasons, not just for killing their husbands. Many women are forced into crimes such as committing welfare fraud, driving a getaway car, or witnessing a homicide, Osthoff noted. These women often have difficulty mothering their children appropriately. In cases of child abuse, women often are charged with failing to protect their child from an abusive male. On the other hand, women who do try to protect their children from abusive situations by fleeing their homes often are charged with abduction. "We don't like battered women, but we hate bad mothers," she said. In addition, abusive men are learning to use the legal system as well, and making false charges against women which they can use against women in custody cases.

Many abused women end up with criminal records, which have a devastating effect on their lives. Women offenders generally are barred from working in childcare, eldercare, or teaching, and many states have lifetime bans on welfare benefits for convicted felons. Women frequently take a plea bargain early in the criminal justice process, and they end up in jail without understanding the consequences of this course of action.

To heal, and recover their autonomy, women first need to look at their histories of trauma in a "place that is safe and that place is not a prison," Osthoff said. Many incarcerated women write to the Clearinghouse saying that prison feels "familiar." "I know what it is to have to shut up and be quiet. I know what it's like to have to anticipate random acts...[Prison] feels a lot to me like being with my batterer," Osthoff paraphrased from letters. In fact, prison, with its complete control over women's lives, can replicate past abuse.

Abused and incarcerated women need help to restructure their lives and to learn how they can assure their physical, sexual and emotional security. They need to find safe housing, adequate work and learn how to build healthy family relationships. Most of these issues can be addressed outside the criminal justice system.

Effective solutions can be found when corrections staff collaborate with battered women's services and anti-violence programs at the community level to better understand the complex lives of these women and to help them move forward. "We have to look at illegal behavior as a

consequence of abuse, and look at facilities if we do not interrupt it,"	how abuse will onl Richie said.	y continue to have v	women in and out of our

## Topical Workshop: Creating Systems to Support Women's Development

#### Caring for the Children

Moderator: Dr. Barbara Bloom

Assistant Professor

Administration of Justice Department

San Jose State University San Jose, California

Elaine Lord, Superintendent Bedford Hills Correctional Facility

Bedford Hills, New York

Sandra Barnhill

Founder and Executive Director

Aid to Children of Imprisoned

Mothers, Inc. Atlanta, Georgia

More than 1.3 million children under age 18 have mothers who are involved with the criminal justice system, including about 250,000 whose mothers are in prison, according to a December 1999 Bureau of Justice Statistics report. The vast majority of the mothers, about 70 percent, have minor children. Thus, to be effective, those who work with women offenders must take into account their relationships with their children and the different needs of both groups.

Positive relationships between incarcerated women and their children can be developed in prison environments, even relationships that have been damaged by the prison experience, said Elaine Lord of the Bedford Hills maximum security women's prison in New York. For a long time the nation's prison system chose not to deal with the children and families of incarcerated women; at first, she said, she was not convinced prisons should address these issues either. However, her experience led her to conclude that long-term success with mothers requires that prison systems help these families "stop and regroup." It is important not to look at incarcerated women as "just mothers," said Lord, but these women do remain mothers in our society, even when they go to prison. "That has been our reality, and there are ways that we can incorporate this fact."

For nearly 20 years, a state-funded program for women inmates and their children, called the Children's Center, has been in place at the Bedford prison, a maximum security facility where 65 percent of the women are serving long sentences for violent crimes. The aim was to develop the Center as an inmate-centered program.

Inmates have been encouraged to help devise the program's policies and deliver program services. It "makes sense," to rely on these women because through such experiences they can grow, build self-esteem, and better understand interpersonal and family relationships, she said. These goals won't be accomplished by, "...acting like we're the professionals and we have all the answers. We

don't, and I think it's far more beneficial to include [these women]" in making decisions."

The Center started by taking part of the prison visiting room and turning it into a playroom for children, which was considered a revolutionary idea at the time. Year round, bus transportation is provided for children from the five boroughs in New York so that they can go to the facility and visit their mothers. Noting that children visit even if no adult accompanies them on the buses, Lord said, "if it's important for the child to visit his or her mother, then it's important enough for us to accommodate that need." While this policy may raise liability issues, no such problems have occurred thus far.

A special summer program was started and it now includes the community in the project. Families living near the prison host children for a week at a time. This arrangement gives the children more time to visit their mothers, and gives the children's caretakers at home a respite.

In another Center program, mothers read books into tape recorders for their children. In stressing again the importance of community outreach, Lord noted that their local community has been so responsive that the program never has run out of books.

Another program, called "Choices and Changes," was designed and is run by the inmates themselves with little or no assistance from staff. It tries to break the intergenerational cycle of dysfunction that can lead ultimately to crime and prison time. Operating from the philosophy that people can be better parents when they understand themselves and the forces that shaped them, this program explores issues such as prior abuse, trauma, and the relationships the women have (and have had) with their parents and their children.

Bedford makes every effort to keep a mother and baby together if the mother wishes to keep her baby at the facility, Lord said. To this end, the prison has had a nursery inside its walls since the early 1900s. However, Lord noted that the stresses of being incarcerated and taking care of an infant may be too much for some mothers and that not everyone can do both.

Most of the women assigned to Bedford do not need to be in a prison setting, Lord said. There is a "whole realm" of other possibilities for the supervision and treatment of women offenders which needs to be explored.

The Atlanta advocacy group Aid to Children of Imprisoned Mothers was founded in 1990 and provides counseling and other services for children with mothers in prison, the first such counseling project in the country, said founder Sandra Barnhill.

These children often are left to struggle alone with the conflicting emotions and potentially toxic short-term coping strategies that come with having a mother in jail. Therapists who work with these children indicate that they are normal children who are using abnormal coping mechanisms to deal with abnormal situations. Citing a two-year study of children with incarcerated mothers, Barnhill said, "As I looked at the reports, I was really troubled because so many of the kids did not feel that they had a future, so they didn't need to think about a career or what they might do."

Grandmothers care for most of the children whose mothers are in prison. In response to the need to provide support services for these caretakers, Barnhill's organization started a group called "Guardian Angels." The biggest concerns grandmothers express have to do with financing household expenses. Legal issues and health concerns—for themselves, their daughters and their grandchildren—also pose major problems for these women.

The solution to the problems of women offenders is multi-faceted, but simple, Barnhill said. "First and foremost, stop blaming the mothers." While these women need to be held accountable for their actions and while they need to change many behaviors, the problem is larger than any one individual. Real solutions must include dealing with "a system—a system fraught with racism, sexism, all those other 'isms'; a system which diminishes the opportunities and life chances for these women."

Barnhill asserted that a new way of looking at the problems of women offenders is needed. Instead of working from a "family separation" paradigm, the work needs to be focused around a "family success" paradigm. Service providers need to look for alternatives to incarceration for non-violent offenders. Programs should encourage family care rather than foster care, find innovative ways to maintain the parental bonds between mother and child, and prepare women more effectively for life after prison.

"We must see each other as resources and ask... 'what does family success look like'?" she said. "
'What does it look like for my institution, for my agency, for the women, for the children and their families, for service providers and professionals?"

## Topical Workshop: Creating Systems to Support Women's Development

#### Using the Community

Moderator: Roberta Richman, Warden

Women's Facilities

Rhode Island Department of

Corrections

Cranston, Rhode Island

Ellen Barry, Founder

Legal Services for Prisoners with Children

San Francisco, California

Brenda V. Smith, Associate

Professor

Washington College of Law

American University Washington, D.C.

Involving the community in the treatment of women offenders, both while they are in prison and when they return, is a critical component in the effort to provide effective services, develop alternatives to incarceration, and redirect resources to better uses such as education, housing and job training. Incarceration often is an inappropriate response when a non-violent offender's primary problems involve substance abuse, mental illness or a lack of skills to sustain a productive life. Community resources often cost very little, especially important when public funding for social services is scarce. By developing community treatment programs, funds can be redirected away from prison-building and toward broader community needs.

Brenda Smith of the Washington College of Law outlined one model for using community services developed by the National Women's Law Center (NWLC) in 1988. Smith conducted focus groups at a local women's prison to learn what non-legal aid support the women needed to successfully return to the community. The women identify five key areas of need: health, children, housing, public assistance and employment. In response, non-profit organizations involved in outreach to neglected, hard-to-serve populations mobilized volunteers to support women in prisons. These volunteers were asked to go in pairs to visit the prison three times, with transportation provided by the NWLC, and speak to the women about their services for 20 minutes, then answer questions for two hours. The goal was to be available as a resource for the women both while they were in prison and after they returned to the community for help with housing, employment, and child care services. The women were invited to call if they needed help while in prison, though few called.

Among the organizations that visited the prison were drug treatment agencies, Planned Parenthood and the Washington, D.C. housing authority. In some cases, the NWLC organized "fairs" with multiple agencies talking to the prisoners, such as several organizations involved in

housing and employment. Other speakers were corrections officials, including the head of the department of corrections, judges responsible for child abuse and neglect cases, and parole and probation personnel. For some women, this personal contact between corrections personnel, such as parole officers, helped them later overcome problems with their cases—for example, in obtaining information necessary to speed up the handling of cases.

One major benefit of this program was that it was virtually free, since the outside participants were unpaid volunteers, and there were only small expenses involved in paying for the coordinator, Smith, and some administrative support. Even then, to a great extent the program was self-funded, since the NWLC raised money for it through local foundations. Likewise, other organizations setting up programs can find sources of outside funding, such as collaborating on joint funding proposals with agencies and local organizations that deal with any issues relevant to women's lives, such as housing, drug treatment, HIV/AIDS, general health care, and economic development.

The voluntary nature of the program also contributed to its success, though there was some initial resistance and staff members insisted that prisoners had to attend the sessions. However, mandatory attendance is not an effective policy since it is better to have even a small number of volunteers than more participants angry about being forced to be there. Thus, early on, Smith told the prisoners they did not have to attend, and once they were given the choice, most wanted to stay because they found the program helpful.

Another key to success was making sure the women could complete the program. The first session was six months, which was too long so that many women dropped out without finishing it. Once the program was reduced to one session a week for three months, with a month between program cycles, most women were able to complete it successfully.

Using rewards for completion of the program also contributed to its success, and to the post-prison benefits of the program for the women who graduated. These women went through a "finishing ceremony," and were given items that are often scarce in prison, such as magazines, stamps, stationery, greeting cards, or toiletries. The women also received certificates of completion, which subsequently helped them before the parole board. Since they did not receive good-time credit for participating, the certificates documented the participation to parole board members, who felt the women had done more to help themselves than expected.

Finally, contributing to the program's success, the NWLC developed support groups for women who had already been released from prison. These groups met twice a week, and offered the women not only emotional and social support, but information on topics related to women's success on the outside. For example, financial management and one's relationship with money was one focus. Although many women had the skills to get jobs earning \$300-400 a week, they had trouble keeping their money due to various problems, such as bad shopping habits, poor money management skills, and feelings of low self-esteem, which led them to spend too much trying to buy their way back into their families' good graces. The program helped the women save more; some saved thousands of dollars, and the women started an investment club. Likewise,

other programs were enlisted to help the women set up home-buyers clubs so they could save for future downpayments and mortgages.

In sum, the NWLC was able to create a successful program for the women offenders by responding to their needs and involving agencies that offered relevant services that could help them succeed both in prison and after they returned to the community.

Involving the community more also can help reduce the number of women in prison, thereby reducing the need for more prisons, said Ellen Barry of Legal Services for Prisoners with Children. The number of women in prison has increased dramatically in the last two decades. For instance, in California where Barry has worked in women's legal services for 21 years, there were fewer than 1000 women in the system when she started. By 1999, there were 12,000 women, and the rate of increase has accelerated.

One reason for this growth is that many of the women in the corrections system are mentally ill and/or substance abusers. Many have ended up in prisons or jails because they have been "deinstitutionalized" from psychiatric hospitals and treatment over the last 25 years due to changing state government policies. Instead of being confined to a hospital, they have been released to communities where they have not had support services and have not been able to cope. They often have turned to prostitution and drug and alcohol abuse, which have led them into crime and the corrections system. But correctional institutions are not well suited to provide mental health and substance abuse treatment, nor to treat the effects of childhood sexual abuse and domestic violence, from which many women suffer as well.

The growth of prisons has compounded the difficulty of treating women effectively because of cost factors. As the corrections system has grown, becoming the "prison industrial monolith," as Barry called it, communities have increased spending for corrections by taking money from education, housing and social services. This shift in funds has been dramatic in California. In the early 1980s, the state ranked first or second in elementary school spending, but now is third from the bottom on the list, because so much of this funding went into prisons. Between 1984 and 1998, California constructed 24 prisons, and one was even located on the campus of the University of California in Monterey. Thus, there is a need to change priorities from building prisons to reinvesting in education and communities, increasing the opportunity for poor children to go to college rather than prison.

Government policies often make it difficult for offenders to reestablish themselves after they leave prison. Former inmates are losing access to dozens of government programs and even forfeiting the right to vote as a result of convictions and incarceration for certain crimes. For example, many states have barred such convicts for life from voting, receiving welfare, or being eligible for public housing. These bans largely fall on the poor and on minority groups.

Thus, Barry said, we need to close prisons and "downsize" the prison population to reduce costs and provide better treatment and educational opportunities in the community. In turn, the community is better situated to provided many of the treatment programs women need.

To establish alternative programs, the correctional system must provide the necessary leadership. Widespread participation is required from wardens, probation officers, parole officers, judges, defense attorneys, prosecutors, and many others. It may not be popular to stand up against the huge "prison industrial monolith" that has gained so much power and funding, Barry said, but it is necessary to work toward this goal in order to reduce the size of the system, shift funding into more beneficial uses, and help women offenders obtain better treatment so they can achieve productive lives.

#### Luncheon Keynote Address

## Women Offenders: Maryland's Targeted Response

#### The Honorable Kathleen Kennedy Townsend Lieutenant Governor of Maryland

Kathleen Kennedy Townsend, Lieutenant Governor of Maryland, offered two keys to successful work with women offenders: increased attention to women who are on parole and probation, and increased attention to helping women strengthen their family units. In charge of Maryland's criminal justice policy as well as children, youth and family-related issues, Townsend served for one year in the U.S. Department of Justice's Office of Justice Programs before becoming Lieutenant Governor. She credits that experience with helping to broaden her understanding of the criminal justice system and with giving her new ideas that she has been able to apply as an elected official in Maryland.

Townsend noted that the number of women prisoners in the U.S. has increased sevenfold since 1980 and in Maryland, the female prison population has tripled in a decade, largely the result of the drug epidemic. Increasing numbers of women are involved in violent offenses, often under the influence of drugs while committing a crime and/or at the time of arrest. Women also are involved in drug trafficking for boyfriends, prostitution, and other drug-related offenses.

Drug abuse and its associated problems affect not only the abusing individuals, but their families as well, "devastating family after family." For example, addicted women often give birth to babies who are drug-addicted, and more than once. These babies typically have low-birth weights and often a host of other related difficulties—for example, a greater chance of being mentally retarded. Townsend noted that if mothers learn how to take care of their underweight babies, the chance of retardation drops dramatically.

Despite the seriousness of the problems, Townsend indicated that the situation is far from hopeless. "You can really have an impact early on...We have to do a much better job helping [these] women be better mothers," she said. With regard to the teaching of values, Townsend noted that, traditionally, it's mothers who pass on values to their children. If 80 percent of the women in prison have young children, as is the case in Maryland's prisons, "what kind of values are they going to pass on...?" she asked.

Bad behavior is a learned response, said Townsend and mothers can be taught to help their children develop an "early foundation of good character—the language of kindness and caring, of courage and bravery." With appropriate values, she indicated, children are less likely to succumb to temptations such as drugs when they are older and are more likely to become productive members of society.

In addition to programs focused directly on helping build the family unit, substance abuse treatment also is critical, Townsend said. The longer substance-abusing women are able to stay in a treatment, the better their chances of recovery. Particular attention must be paid to providing treatment for women on parole or probation. Maryland increased the frequency of drug testing among this group to twice a week and imposed graduated sanctions for failing to pass drug tests. In the first six months of this program, she said, drug use dropped 60 percent.

Maryland also has developed a successful "Hot Spot" program, aimed at lowering crime in 36 high-crime communities around the state by increasing the supervision of individuals on parole and probation. The program has taken parole and probation agents out of central offices and put them into "hot spot" areas so that they can be in closer contact with the individuals they are supervising. Not only has the program helped to reduce crime, Townsend said, but it also has helped make the job more interesting for agents, who can see first-hand the effect of their work.

Domestic violence is another major problem for women, Townsend noted. Improving the situation involves a change in laws, additional training of the many different people involved in working with women and their families, and a change in culture, she said. "For too long, it's been accepted that what goes on in a family is a private affair and not a matter of public interest," she said. "We can and must change that perception."

The children of incarcerated women need just as much attention as their parents. One Maryland program facilitates regular visits of children and their incarcerated mothers, thus building stronger bonds between them. Maryland also has increased the number of after-school programs eight-fold, and has started using a "character-education" curriculum, which has been correlated with less disruptive behavior and vandalism in the schools.

In addition to meeting the needs of women offenders and their children, success also depends on thinking about the needs of the people working in the criminal justice system, Townsend said. These people often are overlooked, but if criminal justice system staff feel that their work is worthwhile and that somebody cares about them and their working conditions, "I guarantee they'll do a better job."

#### Plenary IV

### Systemwide Responses

Moderator: Sheryl Ramstad Hvass, Commissioner

Minnesota Department of Corrections

St. Paul. Minnesota School of Criminal Justice

> **Rutgers University** Newark, New Jersey

Jennie Lancaster

Raleigh Regional Manager

North Carolina Department of

Correction

Raleigh, North Carolina

The Honorable John A. West

Dr. Bonita Veysey, Assistant

Hamilton County Municipal Court

Cincinnati, Ohio

**Professor** 

We need to develop a system-wide approach to dealing with women offenders, because they have needs that cross-cut different systems, including health, education, and social services, as well as the criminal justice system, panelists agreed. There are limits within current systems, such as the high caseloads carried by public defenders, and the political pressures on judges in handing down sentences and those limits can be taken into account in designing more responsive programs. Community-based agencies can provide more localized and cost-effective treatment, perhaps by combining funding from different systems to provide better and more comprehensive treatment. A special concern is helping the women overcome drug addiction problems through treatment programs, ideally based in the community.

Finding new approaches is especially needed now because the current system is so overburdened and it is difficult to adequately address the needs of the woman defendant. For example, Judge John West described the difficulties of dealing with more than 200,000 new filings each year, about a third of them criminal justice cases, in Hamilton County, Ohio Municipal Court, where he sits as judge. Women offenders do not receive much individual attention because of the large number of cases. The average woman appearing in his court is about 34 and an unmarried single parent with two children under 18. Although many have a high school diploma or GED degree, most are undereducated, unskilled and unemployed, and most have significant mental and physical health problems, including addictions to alcohol and/or street drugs (usually crack cocaine). Nearly all are poor and oftentimes homeless, and approximately 70 percent are women of color (primarily African American). About one in ten are pregnant.

Typically, these women are charged with non-violent offenses, such as writing bad checks, petty theft, child endangerment, possessing illegal drug paraphernalia, or engaging in prostitution, and almost all have a prior criminal history, generally for the same kind of charges. Unfortunately, these women appear to have few resources or support networks to help them, since most of them appear in court alone without any family or other supporters and they don't have the money to post bond. As a result, these women typically spend an average of ten days from the time of their arrest to their appearance before the court.

Although most of these women appear with public defenders, Judge West noted, they are not able to get much assistance in fully addressing their particular needs, since the public defenders carry high caseloads, have little time to learn about a client's particular problems, and have to resolve cases quickly. After a brief discussion with a public defender, these women, already feeling alone, confused, frightened, and angry, typically plead no contest or guilty, generally without saying anything in their own defense, even when the judge invites them to do so.

Under such circumstances, judges tend to feel limited in what they can do in sentencing, even if, as in Ohio, they have full discretion, Judge West said. Despite a wide range of options, judges still have to take into consideration many unspoken and competing restrictions and preferences, such as a sheriff's view that women offenders should not be given extended sentences because they will not work on work details and will overtax jails and prison resources. There may be other pressures to give women shorter sentences, since they have usually been arrested for non-violent crimes and there is pressure to retain the limited number of prison beds for violent offenders, due to overcrowding.

Yet, even probation isn't a fully satisfactory alternative, since probation officers are overburdened, too, as in Hamilton County where each probation officer supervises 300 people and cannot adequately handle women who often have complex issues due to family and drug and alcohol problems. In turn, the scarcity of services and lack of coordination of support programs and networks within the community make it difficult to find alternatives. Compounding the problem, judges in elected positions with career considerations need to be viewed as tough as well as fair on crime. Because of these pressures, many women may end up in jail or prison, despite the lack of adequate treatment there.

There are several ways the currently overburdened system can do a better job of addressing the needs of women offenders, Dr. Bonita Veysey said. One effective approach is to use community-based services in conjunction with corrections as alternatives to incarceration. Most women offenders have trauma resulting from a history of abuse, and as shown by much research, child physical and sexual abuse often leads to adult substance abuse, psychological and dissociative disorders, emotional distress, health problems, and continuing violence. It is a path to criminality that commonly begins when these women offenders are young girls.

To interrupt this pathway and divert these women from the correctional system, it is necessary to address the trauma associated with abuse through other public systems, such as mental health, social services, hospitals, and foster care. These agencies can work with the criminal justice system to develop integrated solutions for women offenders, since the agencies often are in contact with the women to provide other services, such as welfare and health care. Despite the perception that they are not as punitive or have the same deterrent effect as incarceration, community-based sanctions do support the traditional goal of rehabilitation by providing women

with treatment that often does not exist in incarcerated settings.

Such treatment in the community is vital, especially to assist in recovery from substance abuse, since abusers go through cycles of sobriety and relapse, and an effective treatment usually works by lengthening the period of sobriety. Community-based treatments that use graduated sanctions for relapse, can help motivate women to become sober again and keep them out of jail or prison.

Community-based agencies also can provide the criminal justice system with expertise in assessing women's holistic needs when they are released, assist in supervising women's treatment and their compliance with programs, and provide the multifaceted approach that women need because of their complex and interconnected needs, such as health care, child care, and mental health and recovery services. To effectively provide such programs, communities must develop partnerships across all systems, Veysey said.

Relevant systems include the criminal justice systems, mental health and substance abuse providers, social services, community representatives from the faith communities, and other community services. These players must create specific agreements on what each member's role and responsibilities will be. Training should be coordinated across systems so that providers understand each other's needs and can work together more effectively.

A good way to help make these partnerships viable is to combine funds from different systems to provide better services, Veysey said. Once these partnerships are formed and working together, they can help women offenders in the short term by providing them with the necessary treatment and support to avoid reincarceration. In the long term, they also should work to prevent women from getting involved with the criminal justice system in the first place. They can do this by helping to strengthen the value of women's role in society and reduce the violence in children's lives, and by helping communities reevaluate the practical effects of current drug enforcement policies that criminalize many of the activities women engage in.

These new alternatives are particularly vital now, because there is currently very little systemic management of women offenders in the criminal justice system, although it is possible to introduce these changes, as Jennie Lancaster discussed. When she began working in the women's prison in North Carolina 20 years ago in 1980, there were no policies that addressed the specific needs of women inmates, such as those who were pregnant, and there was only one facility for women in North Carolina.

She lobbied to get capital improvements for the prison and received \$1.5 million to build a health care facility. She also influenced the state legislators to add more women's prisons by providing them with information on the dire situations the women faced. When she left her position as superintendent of women's corrections to become chief of program services for the entire North Carolina corrections system in 1987, she urged that a command structure be set up for women's

prisons similar to that of men's prisons. Such a structure was needed to create policies and procedures that address women's specific needs, such as health care, childcare, regular visits with children, and transportation. Many of these changes were made in 1997 when North Carolina regionalized its prisons and provided for a system of women's prisons.				

## Topical Workshop: Improving the Systems' Responses

#### Working Across Systems Within A State

Moderator: Roger Werholtz

Deputy Secretary of Corrections Kansas Department of Corrections

Topeka, Kansas

Roberta Richman, Warden

Women's Facilities

Rhode Island Department of Corrections

Cranston, Rhode Island

Mary Scully Whitaker

Director of Planning for Female Offenders

Minnesota Department of

Corrections

St. Paul. Minnesota

Panelists identified the elements of a successful collaborative systems approach among public agencies, private organizations and individuals. Discussion focused on strategies to develop inclusive governance structures that engage multiple stakeholders (including members of the community being served) in the joint design, implementation, evaluation, and funding of services for women offenders. Collaboration requires an understanding of the policies and procedures of each entity represented and critically, the building of trust among the stakeholders.

While collaborative service delivery often is a goal, such cooperation is not easy to develop, said Mary Scully Whitaker, from the Minnesota Department of Corrections. "We talk a lot about collaboration, but what I observe is that most often, it's like two-year-olds playing side-by-side operating on the philosophy of 'I'll do my thing, you do your thing and if they happen to be done at the same time, we'll call it collaboration.' We're calling it collaboration when in reality we aren't even talking to each other," she said.

True collaboration involves stakeholders "buying into the same value system," which means that very strong relationships among people within the collaborating entities must be built. "The Department of Human Services and the Department of Corrections do not have relationships—people within those organizations have relationships," she said. "What we want to do is institutionalize these relationships. If we are to work together collaboratively, we have to take time to develop rapport and connections with others across systems."

Whitaker spoke about her experiences with a Minnesota task force that was convened to advise about what should be done with a women's prison facility that was in a state of disrepair. Since members of this task force were passionate and understood the unique needs of women, they decided to go beyond the original purpose for which they were created. The task force recommended construction of a new prison, which was built. Its members advocated for a new

statute to ensure equality in programs and services for women offenders. In response, the Minnesota legislature passed a law in 1981 that said "women shall receive substantially equivalent programming as that offered men." In 1991, the statute was expanded to include girls as well as women.

While this legislation was a major step forward in establishing gender-sensitive programming for women offenders, interpretation of language in the statute became an issue. There has been debate about what "substantially equivalent" means. A phrase in the legislation referring to the "special needs of women" should be changed to the "psycho-social needs of women," Whitaker noted.

The language is significant, she said, because it needs to convey the importance of relationships for women, while at the same time ensuring that self-identity is not lost in those relationships. "Attachment, interdependence, and connectedness" are critical issues that "form the foundation for female identity," she said. "Women need to learn that they can have relationships that are assets rather than liabilities and they need to understand that if a relationship goes bad it does not mean that they are a bad person."

Whitaker also recommended that legislation around programs or services include language that specifically addresses the need for a cooperative approach to services. Cross-systems collaboration is more likely to happen if a law includes language that encourages or requires it.

Additional resources were required to make services for women equivalent to men's, and the needs became particularly acute in Minnesota when the statute was expanded to include girls as well as women. The task force adopted a two-fold political strategy, first approaching the legislature to pass a law that would require substantial equality, then returning to seek resources necessary to implement the law. A collaboration involving multiple stakeholders including judges, corrections officials, legislators, community members, and others concerned about females in the criminal justice system is more likely to be successful in securing needed resources.

Another key to success, Whitaker said, is to use reliable information that examines crime-related statistics by gender. These statistics typically show a disparity in services between males and females. When this information is combined with documentation showing that gender-specific programs achieve better outcomes for female offenders, a strong case can be made for services and dedicated resources specifically geared to the needs of women.

The task force recommended creation of a full-time professional position to advocate for the different needs of women involved in the correctional system and the appointment of an on-going state task force to oversee women offender programming, both of which were put in place. The task force has become an integral part of the state's decision-making process, its membership is highly respected, and its recommendations are highly regarded. They have been able to help get new facilities for women, and have helped design and implement new gender-sensitive programs for women and girls.

Roberta Richman, of the Rhode Island Department of Corrections, outlined the beliefs that form

the foundation for the work her state carries out with women offenders:

- Incarceration of women should be avoided if possible. If incarceration is necessary, it should take place in facilities that offer the best short-term services available;
- Because of the relatively short sentences for women offenders, community-based treatment agencies should be invited into the correctional institutions to be an integral part of the design and provision of gender-sensitive programs for women offenders;
- Agencies in communities where women offenders live have the ultimate responsibility for providing follow-up care to help ensure good outcomes.

These beliefs provide the basis for collaboration between the public and private sectors and define the responsibilities of professionals within each of those systems. Richman stressed the special need to involve the community in collaborative efforts. The correctional system needs to open up its doors and its resources, inviting individuals and organizations from communities and from other systems inside the facilities to be part of the planning and implementation of programming for women offenders.

The relationships between the women in prison and the community agencies are critical to successful work, Richman said. "When a woman inmate builds trust in the person [who] works in the community, there's a relationship that allows her to call on the community provider when she needs her/him. And, this relationship was built while the woman was in the facility," she said. In order for this public/private partnership to happen, "the institution has to be willing to open itself up. And, that is sometimes difficult because correctional facilities historically have built walls between themselves and the community because they haven't wanted the outside world looking into the facility's operations."

Rhode Island has had success using the following methods to break down the traditional barriers between corrections institutions and communities:

- contracting with community-based providers to deliver services to women while they are in the institution;
- providing resources to cover costs associated with the provision of services;
- developing a public/private team to do discharge planning;
- building systems for sharing information between the public sector institution and the private sector providers;
- building volunteer programs for community members to work within the correctional institution:
- developing internships programs with local colleges/universities; and
- creating a state-wide advisory board with an advocacy function composed of representatives from the major state agencies serving women, along with community delegates.

Each state is unique in terms of political climate and other variables. Thus, it may be necessary to develop state-specific approaches to the work, or to tailor models from other jurisdictions to

reflect the particular situation in any given area.

The bottom line, Richman said, is to "get as much traffic as you can coming into the prison," while making sure that the basic principles of a secure institution are not violated. When relationships are built between the women in a facility and the people in the community who will be working with these women, a woman offender will know that "there is someone in her life who is truly looking out for her best interest, someone who is not asking her for anything and someone in the community to whom she can turn when she needs support."

### Topical Workshop: Improving the Systems' Responses

#### Working Across County and Local Systems

Moderator: Phyllis D. Modley

Correctional Program Specialist National Institute of Corrections

Washington, D.C.

Terrie McDermott, Executive Director

Department of Women's Justice

Services

Cook County Sheriff's Office

Chicago, Illinois

The Honorable John A. West Hamilton County Municipal Court

Cincinnati, Ohio

Anne McDiarmid, Supervisor

Program Unit

Dakota County Community Corrections Department South St. Paul, Minnesota

Michael Bacula, Executive Assistant

Adult Probation/Parole Cook County Circuit Court

Chicago, Illinois

It is important for different parts of the criminal justice and corrections systems to work together to institute effective programs, especially in developing gender specific and responsive programming. Generally, little attention has been paid to how well women have done in correctional programs or later in communities. More information is needed in order to develop effective systemwide approaches.

These coordinated efforts can and should involve a wide range of departments, including probation, defense attorneys, prosecutors, judges, and jail administrators, moderator Phyllis Modley noted. It is also important to include policymakers who can provide access to resources and help get things done across bureaucratic lines. Other agencies that work with the same population, such as mental health, social services, health and other service providers should be included in this collaborative effort. Community members might be involved or provide input as well.

This multisystem, multidisciplinary team effort can coordinate activities and share information to evaluate programs and make appropriate improvements. The team approach can be used to share information about women at various decision points, to avoid duplicative efforts and to provide a more comprehensive picture to help in making treatment decisions. This is especially useful for judges to guide them in making sentencing and "own release" decisions.

In the last six to eight years, several programs have been developed in 40 jurisdictions based on

using various systemwide approaches to working with women. Anne McDiarmid of the Dakota County (Minnesota) Community Corrections Department, noted that several programs were supported by the National Institute of Corrections (NIC) under Phyllis Modley, starting in 1991. McDiarmid's own county was involved in this project that encompassed 12 jurisdictions which developed intermediate sanctions and a range of services for women. These projects were based on gathering sound information about the women, starting with a profile of the offender and creating a map of the women as they went through the system. A goal was to look at what factors influenced decisions about the offender at various decision points, so that these results could influence the policy on how to deal with women at each stage. An important aspect of these programs involved assembling a team of representatives from law enforcement, jail administration, prosecutors, judges, public defenders, service providers, social service agencies, health agencies, and community members to meet on a regular basis. Generally, these groups met once or twice a month for at least 27 months.

Cook County, Illinois and Hamilton County, Ohio are among the jurisdictions that have implemented systemwide programs.

The Cook County program, described by Michael Bacula and Terrie McDermott, initially was developed in 1996, when the county sheriff faced serious overcrowding in the jails and a lack of programs for women offenders. He began by forming an advisory council including the heads of all criminal justice agencies in Cook County, and also got input from a research project being conducted at Northwestern University on the female jail population. The study showed that women suffered a wide range of problems, including substance abuse, sexual abuse, unemployment, mental illness and the difficulties of single motherhood. Such problems were not unique to the jail but also involved other agencies. The sheriff recognized the need for a more systemwide approach to dealing with women offenders, rather than one involving just the criminal justice system.

In August 1997, the Advisory Council was awarded a technical assistance grant from the National Institute of Corrections. As a result, the advisory council became the "Intermediate Sanctions for Women's Project." The goal was to examine various programs and services for female offenders, and create innovative sentencing options or new programs that addressed their unique needs while emphasizing accountability to the community. The project was led by a steering group, comprised of members representing Cook County criminal justice agencies. The steering group set up various subcommittees with special responsibilities, such as a resource committee to look at what is available at different decision points, an assessment committee to look at assessment practices, and a training subcommittee to look at available training/educational programs.

Because Cook County has the largest unified court system in the U.S., it was necessary to establish a hierarchical structure of committees. In 1997 when the project started, the jail admitted 95,000 inmates, including 14,000 women. It currently has 10,000 inmates, about 1000 or 10 percent of them females. In addition, about 20 percent of the 50,000 people on probation or court supervision and 5,000 in pretrial supervision are women.

Cook County's size made collaboration difficult, but the effort resulted in some significant accomplishments. One of the most important deals with the contracts or Request for Proposals (RFP) that formulate the specification criteria governing women's treatment programs used in the county. This approach created comprehensive criteria more suited to the unique needs of females in the criminal justice system and created the first gender responsive treatment programs Cook County.

The county also developed a "MOMS" program for jailed pregnant women suffering from substance abuse. An off-site facility was established to house the women with their pre-school age children. It provided them with a variety of ancillary services, including medical care, parenting classes, substance abuse treatment, and other activities for mothers and their children.

Since the program was set up in October 1998, there have been 19 drug-free babies born to the 126 mothers in the program. To date, 14 toddlers/pre-schoolers and toddlers have been able to live with their mothers who otherwise would have been separated from them.

Initially, the program only was used as a pre-trial option, although currently there are judges are making referrals to MOMS as a condition of probation. Additionally, the Project has provided training programs on gender responsiveness to various groups, such as the Illinois Department of Corrections and the National Legal Aid Association, and executive briefings for policymakers at city agencies. An important key to changing the system has been to urge the policymakers who have access to resources or have decision-making authority to buy into the program.

The Project also discovered that the collaboration process has contributed to improved communication among the various agencies. As people from different agencies have come to know each other, formal lines of communication have broken down, and problems tend to be solved with a single phone call rather than a lengthy series of messages up and down a bureaucratic line. It is necessary to share data about what is happening at different decision points in the system to help everyone become aware of issues and problems. This suggests a need for developing forms to be shared among all groups.

Cook County has learned it is not possible to have systemic change without bringing everyone to the table. For example, to ensure a program's success, awareness is critical in order for attorneys and judges to refer participants to the programs. However, involving so many people slows down the process. There are different agendas, and the simple logistics of assembling everyone once or twice a month for three hours is difficult. Since Cook County is so large, there are several different levels of bureaucracy, and thus several different levels of approval for major changes.

The Hamilton County program, described by Judge John A. West, began in August 1997 through a grant from the National Institute of Corrections. The program, called the "Hamilton County Intermediate Sanctions for Women's Policy Team," was comprised of 27 people involving pretrial services, the adult probation department, the alcohol and drug addiction services board, the court administration, the county prosecutor, public defender, the sheriff's office, the assistant chief of police for Cincinnati, the community diagnostic and treatment center, and several other

organizations. The top people in these organizations were asked to participate in order to have people on the team who have the authority to make decisions and "make things happen."

To coordinate the program, the team has a three-hour meeting each month, which begins with a half-hour to hour of socializing and discussion, followed by a presentation on a topic of interest. For instance, a representative meeting featured a chief of police discussing their arrest policies for arresting women. The following discussion included a proposal that when arresting women with non-dangerous or serious offenses, police should cite women with children and require them to go to court rather than arrest them.

The emphasis at these meetings is on honest and open discussion, so that people feel free to talk about whatever they wish, knowing their opinion will be respected and anything said will stay in the room. Thus, there is no publicity or press involvement in the process. One result for the collaboration, as in Cook County, is that the team members were better able to get things done without going through red tape. However, it was much easier to create change in Hamilton County, because it was a much smaller jurisdiction with only three county commissioners and fewer levels of bureaucracy. Often when team members want something done, they can go to commissioners directly, and usually can get at least two of three to agree.

In the 27 months the project has been in operation, the team has made notable progress. It is developing a gender responsive assessment tool which can provide information about women offenders that will be useful throughout the system. The instrument will be administered by pretrial services, since the arrested person's first contact is with this agency. However, members of other agencies in the system have been involved in designing the instrument, so that it will provide good results that will help others down the line. At the end of the process, a judge will have a meaningful document to help in making sentencing decisions.

One new program is a mental health docket. When a woman comes to court with a serious mental health problem, such as depression or post-traumatic stress syndrome, a trained professional meets with her and she is identified for special treatment. An initial screening occurs at 8:30 a.m., and if the woman needs further services, she meets with a case worker and someone from the probation department and the public defender's staff. They go to court when the woman appears at 1 p.m. to make their recommendations. As a result, the judge is able to make an informed decision about how to assure necessary services.

Another achievement has been the creation of a more appropriate intake procedure for women. Before, when women were arrested, they were taken into an area that was not conducive for women. It was set up like a cattle call, with no privacy and no provisions for health needs. Now when a woman is charged with an offense, if a search is required, it is done discreetly in a private area. The goal is to avoid revictimizing the woman.

A third accomplishment of the program is a female detention unit, which now has 46 women. This was established as a way to isolate women from the rest of the system in order to provide better

assessment and treatment, using a more detailed assessment tool that is being developed. The assessment tool will be based on the Basis 32 Instrument, which has 32 questions designed to explore relationships, mental health, chemical depending, and feelings about self. The tool can be administered by anyone in about 15 minutes. Answers will be scanned into a computer and analyzed to provide a basis for treatment decisions.

If a woman falls within a normal range, she probably needs outpatient treatment, but if her answers indicate a more serious mental disturbance, such as depression, schizophrenia, or bipolar disease, she probably should have inpatient care. A Ph.D. psychologist will talk with women flagged as possibly having more serious problems.

A team of researchers doing a 4-month study on the effectiveness of this instrument found that this approach has been very successful in identifying women who need more extensive help. Generally, the women have been reluctant initially to talk to clinicians, often because they have been very traumatized and hurt in the past. But, after a clinician has been able to establish rapport in a process that goes on for about five hours, the women are eager to talk and pour out their often horrific stories about trauma and abuse. Then, they are ready to go from feeling helpless to asking what they can do to get help, and the clinicians can help them by linking them with the appropriate resources.

The Project team members recognize that it is critical for judges to buy into the program, since the judges must refer women to the various treatment programs. Thus, a major step will be presenting the results of the planning and program development to judges in the county. For instance, the team plans to show the research results on how well women have been doing on an "own release" program to encourage the judges to issue more "own release" bonds to other women.

### Topical Workshop: Improving the Systems' Responses

#### Sexual Misconduct

*Moderator*: Dr. Allen Ault, Chief

National Institute of Corrections

Washington, D.C.

Andie Moss, M.E.D.

Correctional Program Specialist National Institute of Corrections

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Jennie Lancaster

Raleigh Regional Manager

North Carolina Department of Correction

Raleigh, North Carolina

The problem of sexual misconduct by staffs in prisons and jails throughout the country has been growing, and an increasing number of lawsuits brought by abused inmates has drawn nationwide attention to the problem. This abuse takes many forms, such as inappropriate cross-gender supervision, intrusive frisk searches, and inappropriate language used by staff, and the problem is made worse by poor grievance systems, inadequate investigations, and staff retaliation against inmates. To reduce abuse and the lawsuits resulting from them, employees need to be trained specifically in how to work better with female inmates and maintain professional boundaries between themselves and prisoners.

National awareness of prison sexual misconduct has been heightened by the actions of activists, as was the case with domestic violence and sexual assault, noted Andie Moss of the National Institute of Corrections, which has provided technical assistance to states on this issue since 1996. For instance, in that year, a Human Rights Watch report described the extent of this problem in eight states, which led various groups, including the United Nations, Amnesty International, and the Government Accounting Office, to devote further attention. In response, corrections commissioners have begun to acknowledge that the problem exists and to develop regulations, training and "zero tolerance" policies for staff sexual misconduct. Staff members in jails and community corrections have begun to recognize and seek ways to resolve the problem as well.

Lawsuits brought by prisoners against staffers have contributed to bringing their sexual misconduct to public attention, and for generating a response from the corrections system, Moss said. Corrections officials not only face the cost of fighting and/or settling these suits, but many also have resulted in public relations disasters.

One favorable result of the litigation is that most states have changed their laws to make it clear that sexual misconduct by staffers will not be tolerated. In 1996, according to an NIC survey, only

three states had policies stating that sexual misconduct by prison staff was inappropriate. Now, fewer than five states do not have policies. Laws have been quite explicit in outlining what kind of behavior is unacceptable since, as Moss stressed, it is critical to spell out exactly what is unacceptable behavior and its penalties. It is not enough to simply say: "Don't be unduly familiar with inmates." Follow-up training is critical.

The problem became more serious, in part, because of the rapid growth of women's prisons, Moss said. Historically, many states only had one women's prison, but as the female prison population has exploded in the past two decades, the states have had to build additional facilities for women, either as stand-alone facilities or as wings of mens' prisons. Many employees added to staff these facilities have never worked with female prisoners before, and are in need of training that provides them with the tools to better understand the dynamics of appropriate professional boundaries.

At the same time, the concerns of women prisoners have not received sufficient attention from senior officials in correctional systems. For instance, if wardens perceive from the system that their assignment is a "stop along the way" to a better job in a male prison, then it is more difficult for them as leaders to fully explore the practices and policies that are most effective with women and to develop a level of commitment to women's services. Also, state corrections officials have contributed to this perception by assigning wardens to women's prisons as their first or last job, where they have little influence, or by treating women's corrections assignments as punishment.

The National Institute of Corrections has been conducting focus groups since 1996 in women's prisons around the country as part of a strategy to assist agencies in assessing institutional environments for their vulnerability to staff sexual misconduct and to understand the effectiveness of current prison operations in women's facilities. These activities found a variety of different practices and a lack of agreement on what a model women's prison should be like. Many employees were also confused about what was appropriate and inappropriate behavior and how to relate to the inmates. For instance, they might be urged to understand the women inmates' history of abuse and victimization, while also being asked to avoid emotional connection with prisoners.

The NIC study also found limited training of staff working with women offenders. In the struggle to manage recent prison growth, many correctional departments under pressure to cut costs have limited training. Very often, training was provided simply in the form of a lesson plan handed to employees to read and sign at the end of their shifts. But such "training" clearly was not sufficient, since effective training about sexual misconduct requires meeting with staff members in smaller groups, where people feel safe to share freely their concerns, Moss said.

To respond to this training gap, NIC is continuing to train in the area of staff sexual misconduct and is expanding its offerings to include Investigative Training and the development of a Staff Sexual Misconduct Video. The materials will be available in about 10 months. In fiscal year 2001 NIC will publish a Best Practices Document. Such materials also will help staff members better understand some key differences in dealing with women and men inmates. Of particular importance is recognizing that women learn through social connections and need to feel

connected to heal and be productive, although prisons tend to do the opposite by disconnecting them from others inside and outside of the prison in order to keep things under control.

There are several ways in which prison operations and staff and inmate interactions contribute to the sexual misconduct problem, and these are often the issues raised in the lawsuits by prisoners, Jennie Lancaster said. While these problems may be exacerbated in female prisons, they also occur in male institutions when women staff members get involved with male inmates.

Lancaster described the key problems in prison operations and staff-inmate interactions which contribute to sexual misconduct and are raised in lawsuits:

*Cross-gender supervision.* The opportunity for sexual misconduct is greater when male correctional staff work in close proximity to women inmates, and the potential for problems is even greater when there are more male than female staff members. The problem is exacerbated when male corrections officers work in housing at women's prisons, although there is much controversy about what is appropriate or inappropriate behavior.

For example, if males enter an area unannounced, women say there is an invasion of privacy; but the corrections officers say that if the element of surprise is withdrawn, they cannot provide security and do their jobs. One approach used in the North Carolina women's prisons has been to pair men with female corrections officers in dorms, and require that only female corrections officers be present in certain areas such as entering showers. Yet, while such practices may reduce the sexual misconduct problem, male staffers claim, based on Title VII rulings, that since women have a right to work in men's prisons, men should not be restricted in their employment opportunities. They argue that they should be able to move professionally into different areas of the prison, and union policies have supported them in that argument. Thus, there is some resistance to reducing cross-gender supervision, although Lancaster has found that unions have become more cooperative, especially since some of their members have been fired for sexual misconduct.

Frisk searches. These have become an issue when males do the searches on women inmates and women feel violated by the procedure. Some are truly traumatized by these searches, especially when they have a history of sexual abuse and they feel they are being revictimized again. Thus, corrections officials should be careful about who does searches, how the searches are done, and how staff have been trained to do them. For example, too many random frisk searches can trigger complaints. For example, Michigan's prison system had a policy that every certified employee would perform five random frisk searches each shift. As a result, the inmates had plenty of opportunities to complain about improper searches. To deal with this potential for abuse and complaints, all frisk-searchers should be professionally trained to competently do the job and to avoid overly invasive procedures.

*Insufficient training for working with women.* Such training should be conducted at all levels of the corrections system so staff understand a facility's management philosophy, understand women inmates' backgrounds and how that affects behavior. Even the trainers need training. At one male

corrections facility that was receiving its first female prisoners, the training in how to deal with women prisoners was conducted by a man who had never worked with women. Parole officers as well should be trained in properly supervising former inmates both in office and home settings. One parole officer found himself confronting a parolee in a negligee at the front door of her home, and was uncertain how to proceed.

While training should show staff that the women offenders have been victims, it should not undermine the staff's treatment of the women as inmates. Otherwise, such training can backfire because the staff will feel they are being asked to treat the women as victims, first, rather than inmates.

Problems in the prison grievance system. Having an effective grievance system is a key component of managing sexual misconduct, since it gives prisoners a way to express their anger about abuse. If the system doesn't operate properly—if the grievances are not answered or if prisoners feel the workers processing their grievances do not care—litigation is a likely result. A credible grievance process should be able to handle both formal and informal reporting methods, since most prisoners do not file formal complaints.

Retaliation. This is reported by many inmates and can lead to lawsuits. Inmates become afraid to report sexual misconduct, and feel further victimized when their claims aren't addressed. In this case, additional victimization is not from the accused sexual abuser, but from his friends on staff, who "write tickets" to punish the offender or change the woman's prison housing to a less favorable place. Much sexual abuse and retaliation is not reported, because some abusers target inmates with short prison terms, who will leave before the crime and retaliation are discovered. Thus, it is critical to establish the expectation that retaliation will not be tolerated throughout the prison system, Lancaster emphasized.

Inadequate or inconsistent investigations. This can be another basis for lawsuits. It is a mistake to believe that by adopting a "his word vs. her word" stance the claim will go away. Untrained investigators can derail investigations by not asking the sensitive questions that need to be asked. Thus, prison authorities should insist that every accusation is investigated by trained personnel in a timely fashion, resulting in strong sanctions for sexual misconduct. This is increasingly critical now, since judges have zero tolerance. For instance, in South Carolina, the victim's consent is not considered a defense, since an inmate is always considered to be the victim of an inappropriate action by a staff member. In addition, once there is evidence of sexual misconduct, victims should be offered some kind of treatment, not only to help them heal but because lack of treatment can become an issue in litigation.

Improper inmates' clothing. This clothing can be a factor in sexual misconduct problems by contributing to a sexually heated, abusive environment. For example, in Georgia, the prison-issued clothing given to inmates included white t-shirts that became virtually transparent after a few washings, while in Washington, D.C., women inmates walked out of the shower with their jumpsuits tied around their waists. Thus, prison management should ensure that an appropriate clothing policy is properly enforced.

Improper use of language. Language can contribute to abuse when staff members use insulting or sexually charge words, such as "bitch, slut, or loose woman." In fact, this use of language can become widely accepted and institutionalized if staff members commonly use these terms, and prison officials prohibit the use of such language. Not only does it demean the women, but many lawsuits have alleged that staff members used inappropriate, sexually charged language to inmates out of earshot of other staff.

*Improper interactions between employees in front of inmates.* Such interactions can be a problem by damaging the credibility of staff and undermining staff and inmate boundaries. For instance, when staff members talk about who did what to whom within inmates' hearing, inmates can think less of staff members and they can feel they have tacit permission to approach staff on a far more personal basis, which undermines staff authority.

## Topical Workshop: Improving the Systems' Responses

### What Works For Women Offenders?

Moderator: M. Kay Harris, Chair

Department of Criminal Justice School of Social Work Temple University University of Michigan

Philadelphia, Pennsylvania Ann Arbor, Michigan

Dr. Merry Morash, Professor Marilyn McCoy Roberts, Director

Marnie Leavitt, Research Associate

and Director Drug Courts Program Office School of Criminal Justice Office of Justice Programs Michigan State University U.S. Department of Justice

East Lansing, Michigan Washington, D.C.

Moderator M. Kay Harris of Temple University described four levels of systems coordination that Symposium organizers have identified as critical to successful work with women offenders:

- linkages across the criminal justice system;
- linkages outside of the criminal justice system, including health and social service providers, citizens, and victims;
- linkages of practice, program, and policy; and
- linkages among all the different systems and levels of the process, from prevention through aftercare.

This workshop highlighted how such systems coordination works from a theoretical and practical perspective. Marnie Leavitt of the University of Michigan presented the concept of "wrap-around services" as the theoretical basis for creating and implementing coordinated systems and services to meet the needs of women offenders. Wrap-around services provide a "holistic, contextual approach consistent with women's relational styles and orientation...that draw on a coordinated continuum of resources within the community" and are racially and culturally sensitive. The wrap-around service framework views individual problems as the result of systemic problems or a lack of resources, rather than being entirely the responsibility of the individual.

The wrap-around services model sees women in a unique position in society, with distinct needs and experiences. Often, these needs are greater than those of men, yet women have fewer social supports. Women's needs often are minimized or ignored within systems that are crafted for men.

Initially, the wrap-around services concept was developed to address children with different needs. According to this model, family members have ultimate decision-making authority with

respect to a service plan. This approach was modified to apply to women offenders, who are primarily involuntary clients. "The therapeutic focus on the individual must be tempered by the safety and rights of community members," she said.

The goal of a "modified wrap-around approach" is to help women function in the mainstream, rather than in an isolated and segregated environment, Leavitt said. A crucial piece of this plan involves identifying and building upon an individual's strengths, rather than focusing on her deficits.

Leavitt spoke of the challenges in developing collaborative efforts among different systems. For example, because the criminal justice and health and human services systems have different objectives, they collect different information about clients and apply services accordingly. For the modified wrap-around approach to succeed with women, linkages must be forged both horizontally and vertically within different systems. Achieving such coordination can be extremely difficult due to the systems' competing values and interests, disparate funding sources, and a fear that jobs may be lost within each system. On the other hand, if both the community corrections field and the treatment and social services fields can agree on common goals, complete resolution may be unnecessary. In fact, negotiating the tension between these two viewpoints may ultimately prove useful in promoting client- and system-level changes.

Drawing on prior research conducted with National Institute of Justice funding and a current follow-up project, Dr. Merry Morash of Michigan State University discussed the components of effective programming for women offenders. Successful programs must take women's multiple issues into account, including negative relationships, pregnancy outcomes, and issues of identification as a woman. Gender-specific programming is necessary for women offenders, she said, because the gender system, which restricts opportunities for women and is related to patterns of abuse, is a reality with which female offenders must deal.

Not only do women offenders have different needs, but basic services unrelated to gender are less available to them than to male offenders. Even those needs that men and women share have different practical implications. For instance, both men and women need housing, but the shelter needs of women often are more involved, because they typically are the primary caretakers of children. Women also may be involved in abusive relationships that affect their housing needs.

Morash identified specific practices within correctional systems that represent effective, gender-based programming. First, a needs assessment must be done to identify each woman's needs and circumstances and why they became offenders. Thirty-nine states currently use the same classification instrument for both men and women, seven have adapted the men's instrument for use with women offenders, three have developed a unique classification instrument for women, and one had no instrument at all.

Placement and programming for women offenders, based upon these identified needs, varies depending on the population size of a prison, Morash found. In prisons with populations below 500 inmates, 37 percent of women were placed based on their program needs; in facilities with

over 500 inmates, 40 to 50 percent received responsive placements. In jails that have relatively few resources and short stays, only 18 percent of jail administrators said that program needs are considered in the placement of women offenders.

Effective programs ask women directly for more information about their lives and problems, such as physical and sexual abuse, and then provide for or refer them for services. The same questions must be asked at different points during commitment, not just at intake, in order to get a full picture.

Morash reiterated Leavitt's contention that programs for women offenders must balance treatment with public safety, but argued that services should be provided in a therapeutic, not a punitive environment. For example, there should be alternatives to reincarceration or punitive measures when women fail to meet treatment goals. Programs that promote a safe setting, incorporate participant support networks, and whose staff serve as role models for the women increase the chances for success, she said.

Public safety is a prime concern but in treating women, the goal of the care is not punishment as much as treatment so you need to balance public safety and treatment. But too often, when women offenders fail treatment benchmarks, they are reincarcerated, which reinforces punishment.

"We need to work with women so they can be women in the existing structure, which does not favor women in our society in many cases, in most cases." And Morash asked: "Are we using...enough of our resources to build networks of multiple programs that people can move between, that diverse people can move between, and find the elements they need?"

Marilyn McCoy Roberts, Director of the Office of Justice Programs' Drug Courts Office described the components of one wrap-around model, the drug court program. Drug courts were created to provide specialized programming that allow for alternatives to incarceration, combining intensive judicial supervision, drug testing, and substance abuse treatment. There are about 400 drug courts operating in the United States and nearly 300 more in the planning stages.

Women comprise about 25 to 30 percent of the total offender population seen in drug courts nationwide, and the percentage is increasing. In response, three locations have programs specifically for women offenders: Kalamazoo, Michigan, Markham, Illinois, and St. Louis, Missouri. Many other drug courts have different services for women, such as inpatient treatment for women with children, domestic violence and childhood trauma programs, childcare, pre-natal and post-partem care, housing assistance, and female-only substance abuse counseling. These services are provided in addition to general drug court services, such as relapse prevention, life skills training, and educational and vocational training, she said.

Roberts also discussed an emerging variation on the drug court model, the family drug court, which primarily serves women with children. Ten family courts have been created in the last three years. They address the needs of the entire family and present another link in the net of services available to women offenders.			

# Topical Workshop: Improving the Systems' Responses

## Restorative Justice

Moderator: Dr. Bonnie Gowdy

National Institute of Justice Office of Justice Programs U.S. Department of Justice

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Restorative justice methods can help victims, offenders, and communities heal in the aftermath of crime. This healing is made possible when all three parties work together to help the victim gain restitution, while the offender takes responsibility for her actions and the community gives the offender the chance to make amends. Trained facilitators can use this approach in various settings, ranging from offender-victim meetings to meetings with families and large community groups. Increasingly, groups around the world have been using this approach, and it is one that is especially useful in the criminal justice system to divert offenders from jail or as an adjunct to probation. It does not have to be entirely voluntary to work, and can be used even for crimes of extreme violence, including murder. The advantage of this approach is it contributes to the healing process for all parties, and all sides see it as fair and equitable as they participate in the process.

Restorative justice facilitates healing and behavioral change because it is based on a core of forces which shape good behavior, said Kay Pranis of the Minnesota Department of Corrections. Among these forces are societal norms and the opinions of others—including family members— law enforcement and the fear of legal sanctions, rewards for good behavior in prison, and the feeling that it is in one's own best interest to conform. While family pressure and the opinions of others are the most powerful motivators, the criminal justice system has been hampered by primarily using two of the weaker forces—the rewards of early release and time off for good behavior. It needs to add other tools involving the family and community to help shape more desirable behavior by offenders.

The restorative justice model is especially helpful because it allows all parties with stakes in the process—offenders, victims, families and communities—to participate and accept the outcome as fair, based on notions of justice. It helps offenders to understand the harm caused and take responsibility for that harm, which contributes to a sense of closure so that all parties can move

on. The approach is readily accessible since it is conducted in community settings, and through a trained facilitator it is done in a way that is physically, mentally and emotionally safe and encourages mutual respect. Importantly, the process is done in an open, transparent way, so all participants know how the process will work and what to expect. Further, it emphasizes accountability and taking responsibility, so that offenders know they must follow through on any commitments they make to victims, family members or the community, such as agreements to make restitution.

This approach is quite different from the traditional approach to crime in the assumptions it makes and issues it addresses, Pranis noted. The traditional criminal justice model looks at three basic questions: Who did it? What laws were broken? How do we punish the person who did the harm? By contrast, the restorative justice model reframes these questions to ask: What is the harm? What needs to be done to repair the harm? Who is responsible for the repair? This changes the focus from the violation of the law and how to pay for that violation, to a primary concern with the injury caused by an offender's actions and how to heal that injury or harm. Instead of calling on the power of the state to punish an offender, the restorative justice model seeks to engage all aspects of the community in the healing process.

The restorative justice process is based on the stakeholders acknowledging and agreeing to several basic principles of who owes whom different considerations to achieve justice:

- The offender owes the victim restitution and remorse:
- The victim owes the offender the opportunity to make amends, and must be willing to receive restitution;
- The community owes the victim restitution for the loss which the offender cannot provide;
- The victim owes the community a statement of what he or she lost and some sense of what the community can do to heal that loss;
- The offender owes the community some service to repair the harm she has caused, which includes changing her own behavior and doing something to overcome the underlying causes of the crime she committed, such as overcoming her addiction to drugs or alcohol;
- The community owes the offender an opportunity to make that repair. For example, if the offender needs to pay money to the victim as restitution, the community needs to give the offender a way to earn that money.

The first step in the process is for the victim to tell the offender and other stakeholders exactly what harm has been done, whether physically, emotionally, economically or otherwise. While the victim can speak directly to the offender, the victim can convey this information in other ways, such as through a victim advocate, a supporter of the victim, or even by a videotape, audiotape or letter placed on a chair.

Once the harm is understood, the parties can begin the major part of the restorative process, which is repairing that harm, including dealing with the anger, hurt, fear, frustration, confusion,

and other negative emotions. For many victims it is most important that the offender acknowledge that what she did was wrong and come to understand the full extent of the harm she caused. Part of this understanding includes acknowledging that the offender had a choice and did not have to commit the crime. The victim also needs to have the offender's assurances that he or she will be safe in the future, such as from acts of retaliation, and that the offender is willing to take responsibility now for taking action to repair the harm which she caused. Additionally, members of the community may need to take some action to help the victim heal, such as by providing restitution which the offender cannot pay and helping the victim feel safe.

This approach goes beyond the usual passive process in which the offender is subjected to punishment for a crime, which is at the lowest moral level of accountability. Rather, the restorative justice model is guided by the goal of achieving a higher level of moral accountability, based on an individual taking full responsibility for what she did wrong, making amends and moving on.

Restorative justice face to face processes can be used in several different settings and take different forms. All such processes are voluntary for the victims and partially voluntary for the offenders, and are conducted by trained facilitators who work with participants using some basic ground rules for interaction during meetings, said Susan L. Stacey of the Minnesota Department of Corrections Restorative Justice Initiative. A prerequisite for all the processes is that the offender admits responsibility and agrees to make amends. All participants are treated with respect, as equals, and as important resources to the process, and a clear distinction is made between the offender's harmful actions and who he or she is as a person.

In the various face to face processes, the facilitator(s) commonly first meet with stakeholders separately to learn what happened and how it affected them, to explain the process, and to find out whether each party wants to participate. Finally, all the parties (including supporters) are gathered. The facilitators sometimes use a written outline or script as a guide to make sure key process phases are gone through, depending on which process is used. While participants are encouraged to express their strong feelings openly, they must do so in a respectful way in which they do not insult, interrupt, or show disrespect for others. Participants attempt to come to a consensus agreement about how the offender can make amends to the victims and possibly also the community; agreements also typically include competency-building provisions for the offenders.

There are several models of restorative face to face processes; the lines between them have blurred and sometimes more than one process is used in a specific situation. Each one currently is being used in Minnesota schools and communities to resolve criminal and non-criminal harms, several processes are being piloted with child welfare issues, and circles also are being used for brainstorming, decision-making and general meetings. Some of the most prevalent processes are:

Victim/offender dialogue. This is the smallest basic group. The facilitator(s) first meet separately with the victim and offender, each usually with a supporter, in preparation meetings. They talk directly to each other, with the facilitator(s) helping them share their concerns. The offender takes responsibility for her/his actions, the parties discuss how they personally have been affected, and then try to come to an agreement about how the offender can make amends to the victim.

Family group conferencing. Otherwise known as "victim/offender conferencing" or "restorative conferencing". This approach is used when there are multiple stakeholders affected. The process first was developed in New Zealand to meet the needs of the Maori tribal people, and involves bringing together the victim, the offender and members of the affected community. For instance, this model was used effectively when two boys harassed and robbed a girl outside a pizza shop. The pizza store owner was concerned about the effect of crime on his business, while other nearby community members were concerned about how the crime might affect the neighborhood. Thus, all these parties participated in a facilitated conference, resulting in a stronger community system as all came together to share, support the victim, support the offender taking responsibility, development an agreement, and then to enforce and support the final agreement.

Large group conferencing. Involves an even larger group of community members, together with the offender(s) and victim(s), such as in one high school where a session about sexual and racial harassment incidents was conducted successfully with an auditorium full of participants. In this large group process, trained assistant facilitators help prepare participants and audience members before the large gathering (conference). At the conference, one or two trained facilitators help panels of offenders, victims and affected community members speak to each other and an audience of other interested community members. As part of this larger group format, community members who are indirect victims can discuss how the crime has affected them, by pointing out what it is like to live in a community that has been harmed, and can describe their concerns and expectations for the future. While the audience members can just listen to the discussion, assistant facilitators are in the audience and invite input by asking audience members to writ down their questions and concerns for participants. All participants' concerns can be addressed in an agreement about restitution and future behavior, and can be taken into account in setting probation conditions.

Sentencing and peacemaking circles. Come from traditional aboriginal practices that have been used for thousands of years all over the world to make decisions and to resolve harms. The trained facilitator is called a circle keeper; that person facilitates circle discussions and the project's process. In circles a talking object is used, preferably one with cultural significance to the participants, and as it passes around the circle in only one direction, only the person holding the talking object is allowed to speak. Typically, the keeper and community circle project members meet with the offender to consider her application and, if it is accepted, to develop a social compact/contract for the offender to undertake certain tasks or requirements as a show of sincerity and a beginning solution to the offense and underlying causes. Community circle project members and the keeper also meet with the victim(s), and may hold separate healing circles for the victim (emphasizing support) and for the offender (emphasizing support for the offender taking responsibility and making amends). When all participants are drawn together in a sentencing or peacemaking circle, they may include the judge, prosecutor, defense attorney, probation agent, and law enforcement or equivalent school authorities, sitting as equals with the victim, offender and other affected community members. As with the other processes,

participants speak from their hearts about how the harm has affected them and the community, but in circles there is more emphasis on recognizing and addressing the larger life issues that are involved in the crime. For instance, in one case where a woman admitted she was distributing 35 pounds of marijuana for her abusive husband, although she did not use it herself and did not see marijuana harming the community, the circle helped her examine both her lifelong patterns of abuse and her role in contributing to harm similar to what she had experienced as a child in an alcoholic family.

These various restorative processes can be used at different stages of the criminal justice system, as well as in schools, with offenders who admit responsibility. In the criminal justice process, they can be used to divert offenders from prosecution, to inform a judge's sentencing or to provide post-adjudication determination of restitution and community service.

In a diversion setting, the offender has a choice of going through the restorative process or else going through prosecution. If an agreement cannot be reached in the process, or if the offender does not complete the agreement's provisions, the case typically is sent to court for prosecution. When a face to face process is done pre-sentencing, the agreement is contingent upon the judge's incorporating it into the sentence. Post-adjudication, offenders often are told they can participate in a restorative process to determine some or most of their probation requirements for making amends. If an agreement cannot be reached in the process, or if the offender does not complete the agreement's provisions, the probation officer will determine the requirements. In a school setting, restorative processes can be used on the spot to resolve minor harms, at a later date with the involvement of parents and other school officials to resolve more serious harms (even as an alternative to criminally charging the offense), after suspension as a reentry process, in addition to criminal prosecution, and to resolve school tensions and/or to deal with larger school involvement in a related issue.

While these processes more often are used for non-violent cases, they also are being used with crimes of extreme violence at the request of victims and victims' survivors, and being used to aid the reintegration of serious juvenile offenders into their home communities after they have been incarcerated. In crimes of extreme violence such as murder, the restorative process is used to help survivors heal through their letting the offender know how much those affected by the crime still are suffering, and through their hearing information about the crime known only to the offender, such as the victim's last words and whether he or she suffered. A restorative meeting also can provide the offender with an opportunity to explain why she committed the act and it helps the offender better understand the effects of her acts.

All these types of restorative processes have become increasingly common in schools and community settings in Minnesota, and they are being used in the Minnesota women's prison to handle inmate-to-inmate incidents. The processes have additional benefits in that they provide a way for the women to develop conflict resolution skills. Those skills can be used on a day-to-day basis in the prison and later applied with families and community members when the women get out of prison.

# Plenary V

# Paint a Picture of a Different Future

Moderator: Noël Brennan

Deputy Assistant Attorney General

Office of Justice Programs

Washington, D.C.

Ellen Barry, Founder Legal Services for

Prisoners with Children

San Francisco, California

Ann L. Jacobs. Executive Director

Women's Prison Association

& Home

New York, New York

Mary V. Leftridge Byrd

Superintendent

Pennsylvania Department of

Corrections

State Correctional Institution at

Chester

Chester, Pennsylvania

There is a clear need for policy and planning strategies that create a multi-systemic approach in which different systems work together to provide the multitude of services women offenders need. Most of these services should be provided in community settings, where women can be with their families and children rather than in prison.

Moderator Noel Brennan, Deputy Assistant Attorney General for the Office of Justice Programs, noted that women offenders have many different needs that are not being addressed. Most are mothers of minor children. Frequently these women have a history of sexual and physical abuse, often beginning when they were young. Many face issues around housing and homelessness, as well as physical and mental health problems. Like men, most have alcohol and drug problems, but unlike men, many female offenders are charged with non-violent crimes, typically drug and property offenses. The Symposium itself shows that more attention is being paid to women offenders and the different needs that these women have, Brennan noted.

In the last decade, arrest, conviction and incarceration rates have risen sharply. From 1990 to 1998, for example, the number of women in federal and state prisons increased by 8.5 percent a year. These numbers are driving the new interest in women from legislators, policymakers and judges, as well as researchers and practitioners. All seem eager for more information and a better understanding of the issues, Brennan said, and all need to be involved in developing solutions.

Mary V. Leftridge Byrd, from the State Correctional Institution, a men's prison in Chester, Pennsylvania, echoed the need for collaborative systemwide approaches. She cited members of probation departments, social service agencies, victim advocates, welfare officers, Salvation Army representatives, parole agencies, state and city prison wardens, after-school programs, judicial service providers, employment learning centers, educators, religious leaders, and others as possible participants in collaborations. Leftridge Byrd, who has served as a warden at two women's prisons and frequently has provided training on issues dealing with women offenders, also emphasized the need to recognize the importance of children and families and the need to help women develop positive linkages and relationships to their communities.

Such an approach makes sense because of the high cost of incarceration and lost opportunities when a woman is separated from the community, her family and children, Leftridge Byrd said. The more resources are spent on corrections, the less that can be invested in education, childcare, health services, and other services that improve the quality of life.

While it is essential to protect public safety, in most situations, community-based alternatives to incarceration provide the most appropriate, effective and realistic response for most women offenders. Most women are not arrested for violent crimes, and indeed, many are locked up for low-level drug offenses. Most often they are not high-level operatives but minor actors who have less bargaining power to get reduced charges.

Incremental sanctions, gauged to the severity of offenses and taking account of the willingness to make restitution, may make more sense. Community programs allow women to remain with their families, and provide more of an opportunity for restitution.

Not all women offenders should be or can be assigned to community-based interventions, Leftridge Byrd said, noting the need to enrich programming for women inside correctional institutions. Examples include services at her facility, including reunification and parenting programs, and a youth awareness program for children at risk.

Ellen Barry, of San Francisco's Legal Services for Prisoners with Children, also emphasized the need for more community-based, family-oriented programs for women offenders. While many people may say that women offenders should take more responsibility for their lives, her experience has shown that most women offenders do recognize and own up to what they have done.

A much larger problem is that the criminal justice system has failed these women in a number of ways. Women offenders frequently face a hostile environment around child custody and the termination of parental rights, so that it is likely that women sentenced to prison will have her children taken from her, often permanently. Many women who commit drug crimes, including relatively low-level offenses, face long or even life sentences because of mandatory minimum sentencing and 'three strikes' laws, making it even more likely that they will lose their parental rights. Current federal law prohibits a woman from getting public assistance if she has a felony conviction. Some states bar women from public housing for similar convictions. In these and other situations, many women are unable to get back on their feet; they may be unable to feed or house their children and therefore may lose them.

Community-based alternatives should be expanded so mentally ill offenders can be diverted into systems of treatment rather than incarceration. More generally, communities should divert funds away from the "prison-industrial complex" and find other funding streams to provide essential health, education and childcare services for current offenders as well women at risk of entering the criminal justice system, Barry said.

This broader approach means we have to think about how to work with other systems outside of the criminal justice and correction systems, such as housing and managed care systems, Ann L. Jacobs of Women's Prison Association and Home, argued. While we need to do things better in the jails and prisons, a larger number of women are affected by parole and probation systems, and an even larger group of women are at risk of going into the system. Thus, we need to focus especially on what happens in the community.

Most communities lack the kinds of services needed, although the level of community services helps determine how much benefit society gets from its investment in prisons and jails. Indeed, other systems which women confront outside the criminal justice system usually have more to do with their prospects for success. For example, the vast majority of women in the criminal justice system depend on public assistance for income, and on Medicaid as a way of accessing health care, drug treatment and mental health services. At the same time, these women often are not sophisticated consumers of these services, so they don't always recognize the types of services they need, especially for alcohol and drug treatment, which is often pivotal for obtaining other services and keeping their children.

It can be difficult for anyone to access these services because many systems are changing at once, including welfare, childcare and health care. As the rules of these systems change, it is hard not only for women offenders but for the professionals administering these systems to keep up. A key difficulty is that all of these systems are in conflict with each other, and often they cancel each other out. For example, a woman may be required to report to parole, for substance abuse treatment, and to the family court to be able to visit her children. However, there is typically a lack of coordination among programs. It is common for women to face conflicts in mandated appointments: missing one could result in violation of parole, loss of public assistance, or termination of parental rights. How can someone choose?

In addition, there are new ways of excluding people with criminal convictions from different services in many jurisdictions. For instance, federal law now precludes a woman with a drug conviction from public housing. In New York City, she also will not have access to Section 8 funding any more, and therefore probably cannot move out of a homeless shelter since she cannot afford full rent elsewhere. As a result, women often cannot find housing and therefore cannot establish an ability to care for their children.

Recent changes in child welfare law are even more problematic for many women. The Adoption Safe Families Act (ASFA) of 1997 creates a presumption in favor of termination of parental rights if a child is in foster care for 15 out of 22 months. This can mean that even a modest criminal conviction can become a "life" sentence that permanently separates a mother from her child.

Thus, we need to develop a new model for working with women in which we only incarcerate women who present a risk to public safety, Jacobs said. There are other ways to punish other types of rule breakers and violators by creating a more enhanced system of community corrections. Research is establishing that community alternatives to incarceration can work effectively, often more so than prison. Thus, we should start with the presumption of community corrections instead of incarceration, and work with providers in other systems that share the same goals of promoting a sober, more self-sufficient life for women.

The model that Jacobs advocates would combine community corrections with family preservation, drug treatment, and welfare to work services. These services must be integrated. Women offenders do not have time to work on these issues sequentially as our public programs have historically demanded. And, the fragmented approach simply does not work! Imagine, instead, that a woman does her sentence while living in an apartment building with her children, where each has an individual service plan, and there is a drug treatment program while her children get the attention and services they need. As mother gets sober and can assume more responsibility, she participates in educational and vocational activities that prepare her for a job that makes a living wage. She works and gets employment experience. When the woman is ready, she transitions back into a more independent living in the community.

# Closing Session

*Moderator*: The Honorable Karen Asphaug

First Judicial District Minneapolis, Minnesota

Respondent: The Honorable Janet Reno

Attorney General

U.S. Department of Justice

Washington, D.C.

Attorney General Janet Reno optimistically concluded the Symposium by stating that crime in this country can be reduced, particularly crime attributed to women. Practitioners working collaboratively at the local level really can make the difference, but success requires strategies built on common sense, and on research and evaluation—not on political rhetoric.

The Attorney General urged all participants to take concrete information and ideas from the Symposium back to their states and local communities to help make a difference in the lives of women offenders. In particular she stressed that participants should advocate for better services. Research has demonstrated what types of programming are effective, especially in the area of prevention. "We need to come together to find out what's going on with families and reach out to prevent problems from occurring," she said.

Using drug courts as an example of an institution where successful interventions can occur at the community level, Attorney General Reno said these courts can be a place where "carrots and sticks" (incentives, treatment, and accountability measures) can be used effectively. "Give the courts the resources, and give them small enough caseloads, and they can do so much in terms of domestic violence, child abuse/neglect, and they can address some of the needs of women offenders," she said.

After the Attorney General's remarks, several delegations from the Symposium reported on the actions they planned to take when they returned to their jurisdictions. The following are some examples of those priority actions:

## Maryland

- Reduce the number of women incarcerated in the state.
- Create a multi-disciplinary task force to develop a system of programs and opportunities for women offenders. The collaboration will include corrections officials/professionals, judges, legislators, citizens, and community partners.

 Develop a community-based residential center for drug-addicted mothers and their children, thereby allowing women to remain with their children while receiving treatment.

## Cook County, Illinois

- Track women in the correctional system to find out what they need, what they are lacking, and what can be done to help.
- Develop good assessment tools for making informed pre- and post-sentencing decisions so that these dispositions will be effective and therapeutic.
- Develop requests for proposals that are gender-specific for use in every public agency that deals with women offenders.
- Incorporate gender-appropriate services as a requirement for all contractual services provided at the community level.

#### **Texas**

- Urge people to rethink corrections so that "prisons are the alternative to community responses, rather than community responses being the alternative to prisons."
- Convene a task force to identify barriers to development of wrap-around services for women.
- Explore ways for drug courts to be more responsive to the different needs of women offenders, particularly women with children.
- Accentuate collaborative efforts, with an emphasis on cutting red tape and making sure that the people for whom specific programs are designed actually get access to them.
- Make available "best practices literature" to practitioners and policymakers.
- Look for ways to develop more effective community-based interventions.

## New York City

- Focus on the goal of providing a seamless, comprehensive system of services.
- Re-evaluate and perhaps restructure the system that is in place for working with women offenders.
- Improve information-sharing among systems.
- Invite new stakeholders to join in collaborative efforts.

## South Carolina

- Educate state leaders, beginning with the governor, about the needs of women offenders and the impact of incarceration on families.
- Educate citizens about these issues, working from the "ground up."
- Establish a statewide collaborative effort to advocate for services that are sensitive to the needs of women offenders and based on an understanding of what works.

## Josephine County, Oregon

- Work from the premise that "accountability is primary and gender equality is necessary."
- Build the political will and resources needed to carry out the tasks to be accomplished
  by educating political leaders and citizens about efforts that are known to produce
  success.

#### Minnesota

- Bring policymakers together in a forum to discuss a statewide approach to identifying, planning, and implementing a multi-system approach to work with women offenders.
- Re-examine how state dollars flow across state agencies and will work to get money focused on services rather than systems.
- Continue the positive work that is currently going on in the state.

## Denver, Colorado

- Develop a gender-friendly assessment form to use with women entering correctional facilities. The form will allow women to identify their needs, particularly in the areas of job development, housing and childcare, so that these needs can be addressed.
- Hold a conference focused on ways to work collaboratively to meet the needs of women offenders.

#### Vermont

- Focus work on the ultimate goal of establishing local, multi-disciplinary teams which develop and implement wrap-around services for women offenders.
- Develop service demonstration projects focused on women transitioning from correctional facilities to the community.
- Work more with women in their home communities.
- Make it possible for some of the resources devoted to women and family issues to be used for comprehensive, cross-agency programs.

Attorney General Reno urged participants not to give up, but rather to go back home with renewed enthusiasm for working together to address the gender-specific needs of female offenders.

# **Appendixes**

National Symposium on Women Offenders: Symposium Agenda

National Symposium on Women Offenders: Participants List

## **Selected Symposium Materials**

- "Like mother, like daughter: Why more young women follow their moms into lives of crime," Toni Locy, *U.S. News & World Report*, October 4, 1999.
- "Gender-Responsivity: An Essential Element in Women's Programming," Barbara Bloom, Ph.D., and Stephanie Covington, Ph.D., Institute for Relational Development: La Jolla, CA. Adapted from a paper presented at the 50th Annual Meeting of the American Society of Criminology, November 1998.
- "Gender-Specific Programming for Female Offenders: What is it and Why is it Important?" Barbara Bloom, Ph.D., and Stephanie Covington, Ph.D., Institute for Relational Development: La Jolla, CA. Adapted from a paper presented at the Annual Meeting of the American Society of Criminology, November 1998.
- "Severing Family Ties: The Plight of Nonviolent Female Offenders and Their Children," Leslie Acoca and Myrna S. Reader. Final version to be published in the Sentencing Symposium issue of the *Stanford Law and Policy Review*.
- "Modified Wraparound and Women Offenders: Strategies, Opportunities and Tensions," Beth Glover Reed, Ph.D., and Maureen E. Leavitt, MSW, University of Michigan School of Social Work, December 1999.

# NATIONAL SYMPOSIUM ON WOMEN OFFENDERS Washington, DC December 13–15, 1999

## AGENDA

7:00–8:30 a.m. Registration, Continental Breakfast, and

Videos and Exhibits

**PROMENADE** 

(MAIN HALLWAY)

8:30–8:45 a.m. Opening and Welcome

GRAND BALLROOM

See Plenary Seating

Chart

Symposium Moderator

The Honorable Karen Asphaug

Judge

First Judicial District Minneapolis, MN

Larry Meachum

Director

Corrections Program Office Office of Justice Programs U.S. Department of Justice

Washington, DC

The Honorable Laurie Robinson Assistant Attorney General Office of Justice Programs U.S. Department of Justice

Washington, DC

8:45–9:45 a.m. **PLENARY I** 

**BUILDING THE CASE—WHY FOCUS ON** 

**WOMEN OFFENDERS?** 

Session Moderator Dr. Myrna S. Raeder

Professor School of Law

Southwestern University

Los Angeles, CA

Author of *The Forgotten Offender* 

GRAND BALLROOM

See Plenary Seating

Chart

**Panelists** 

The Honorable Carolyn Engel Temin

Judge

Court of Common Pleas Philadelphia County Philadelphia, PA

Brenda V. Smith

Associate Professor

Washington College of Law

American University Washington, DC

Dr. Reginald A. Wilkinson

Director

Ohio Department of Rehabilitation and

Correction

Immediate Past President

American Correctional Association

Columbus, OH

Teena Farmon

Warden

Central California Women's Facility

Chowchilla, CA

9:45-10:15 a.m.

**Q&A:** DELEGATE QUESTIONS FOR THE

GRAND BALLROOM

PANEL

Session Moderator

10:15-10:30 a.m.

Break

10:30–11:15 a.m.

WOMEN'S PRISON REFORM: PAST, PRESENT, FUTURE

GRAND BALLROOM

Symposium Moderator

The Honorable Karen Asphaug

Judge

First Judicial District Minneapolis, MN Panelist Dr. Nicole H. Rafter

Professor

Law, Policy, and Society Program

Northeastern University

Boston, MA

Author of Partial Justice: Women, Prisons,

and Social Control

11:15–11:30 a.m. DELEGATE DISCUSSION SESSION #1 GRAND BALLROOM

**INSTRUCTIONS** 

Symposium Moderator The Honorable Karen Asphaug

Judge

First Judicial District Minneapolis, MN

11:30 a.m.-12:15 p.m. DELEGATE DISCUSSION SESSION #1 GRAND BALLROOM

Delegates discuss what they heard and its applicability to their jurisdiction.

12:15–12:30 p.m. **Break** 

12:30–1:45 p.m. LUNCHEON AND KEYNOTE SPEAKER

Daniel Marcus

Acting Associate Attorney General

U.S. Department of Justice

Washington, DC

Keynote Speaker Toni Locy

Investigative Reporter U.S. News & World Report

Author of Like Mother, Like Daughter: Why More Young Women Follow Their Moms Into STATE ROOM
See Monday Lunch

**Seating Chart** 

Lives of Crime

1:45–2:00 p.m. *Break* 

2:00–3:00 p.m.	PLENARY II WOMEN'S PATHWAYS TO CRIMINALITY	GRAND BALLROOM See Plenary Seating Chart
Session Moderator	M. Kay Harris Chair Department of Criminal Justice Temple University Philadelphia, PA	
Panelists	Dr. Meda Chesney-Lind Professor of Women's Studies University of Hawaii at Manoa Honolulu, HI Author of <i>The Female Offender: Girls, Women</i> and Crime	
	Naya Arbiter Principal/Board of Directors Extensions & Amity Porterville, CA	
	Dr. Angela Browne Senior Research Scientist Harvard Injury Control Research Center School of Public Health Harvard University Boston, MA Author of When Battered Women Kill	
3:00–3:30 p.m.	Q&A: DELEGATE QUESTIONS FOR THE PANEL Session Moderator	GRAND BALLROOM
3:30–3:45 p.m.	DELEGATE DISCUSSION SESSION #2 INSTRUCTIONS	GRAND BALLROOM See Attendee Orientation Chart for Team Room
Symposium Moderator	The Honorable Karen Asphaug Judge First Judicial District	Assignments

Minneapolis, MN

Break

3:45–4:00 p.m.

4:00–4:45 p.m.	Delegates discuss profiles of women offenders in their jurisdiction.	See Attendee Orientation Chart for Team Room Assignments
4:45–5:00 p.m.	Break	
5:00–5:30 p.m.	SHARED LEARNING AMONG DELEGATES	GRAND BALLROOM See Plenary Seating Chart
Symposium Moderator	The Honorable Karen Asphaug Judge First Judicial District Minneapolis, MN	
5:30–6:30 p.m.	Videos and Exhibits (Optional)	PROMENADE (MAIN HALLWAY)

TUESDAY, DECEMBER 14

7:00–8:30 a.m. Registration, Continental Breakfast, and **PROMENADE** 

Videos and Exhibits (MAIN HALLWAY)

8:30–9:30 a.m. PLENARY III GRAND BALLROOM

EFFECTIVE INTERVENTIONS—LOOKING AT See Plenary Seating

GENDER RESPONSIVE PROGRAMMING Chart

Session Moderator Anne McDiarmid

Supervisor Program Unit

**Dakota County Community Corrections** 

St. Paul, MN

Panelists Dr. Barbara Bloom

**Assistant Professor** 

Administration of Justice Department

San Jose State University

San Jose, CA

Author of Why Punish the Children?

Dr. Stephanie Covington

Codirector

Institute for Relational Development

La Jolla, CA

Author of Helping Women Recover: A Program for Treating Substance Abuse (Special Edition for the Criminal Justice

System)

9:30–10:00 a.m. Q&A: DELEGATE QUESTIONS FOR THE GRAND BALLROOM

**PANEL** 

Session Moderator

10:00–10:15 a.m. **Break** 

10:15-11:30 a.m.

TOPICAL WORKSHOPS

CREATING SYSTEMS TO SUPPORT WOMEN'S

**DEVELOPMENT** 

Choose 1 of the 5 breakout sessions—Open seating

GETTING AND KEEPING WORK

GEORGIA ROOM (SECOND FLOOR)

RHODE ISLAND ROOM

(SECOND FLOOR)

Session Moderator

Mary Scully Whitaker

Director of Planning for Female Offenders Minnesota Department of Corrections

St. Paul, MN

**Panelists** 

Nancy L. Zang

Special Administrator Director's Executive Staff

Michigan Department of Corrections

Lansing, MI

Susan E. Poole

Warden

California Institution for Women

Corona, CA

GETTING HEALTHY, STAYING HEALTHY:

PHYSICAL & MENTAL HEALTH/SUBSTANCE

**ABUSE** 

Session Moderator

Dr. Stephanie Covington

Codirector

Institute for Relational Development

La Jolla, CA

Author of Helping Women Recover: A Program for Treating Substance Abuse (Special Edition for the Criminal Justice

System)

**Panelists** 

Dr. Leslie Acoca

Director

Women and Girls' Institute

National Council on Crime and Delinquency

San Francisco, CA

Naya Arbiter

Principal/Board of Directors

Extensions & Amity Porterville, CA

7

Dr. Joan Gillece Assistant Director

Division of Specific Populations

Department of Health and Mental Hygiene

Baltimore, MD

BATTERING ISSUES

PENNSYLVANIA ROOM

(SECOND FLOOR)

Session Moderator

Catherine Pierce

Deputy Director for Program Development

Violence Against Women Office Office of Justice Programs U.S. Department of Justice

Washington, DC

**Panelists** 

Sue Osthoff

Director National Clearinghouse for the Defense of

Battered Women Philadelphia, PA

Dr. Beth Richie Associate Professor

Department of Criminal Justice and Women's

Studies

University of Illinois at Chicago

Chicago, IL

Author of Compelled to Crime: The Gender Entrapment of Battered Black Women

CARING FOR THE CHILDREN

GRAND BALLROOM

Session Moderator

Dr. Barbara Bloom

Assistant Professor

Administration of Justice Department

San Jose State University

San Jose, CA

Author of Why Punish the Children?

**Panelists** 

Elaine Lord

Program Director, The Children's Center Bedford Hills Correctional Facility

Bedford Hills, NY

Sandra Barnhill

Founder and Executive Director

Aid to Children of Imprisoned Mothers, Inc.

Atlanta, GA

#### USING THE COMMUNITY

# **MASSACHUSETTS**

ROOM

Session Moderator Roberta Richman

Warden

Women's Facilities

Rhode Island Department of Corrections

Cranston, RI

Brenda V. Smith **Panelists** 

Associate Professor

Washington College of Law

American University Washington, DC

Ellen Barry Founder

Legal Services for Prisoners with Children

San Francisco, CA

11:30-11:45 a.m. Break

11:45 a.m.-1:00 p.m. LUNCHEON AND KEYNOTE SPEAKER

Session Moderator The Honorable Laurie Robinson

Assistant Attorney General Office of Justice Programs U.S. Department of Justice

Washington, DC

The Honorable Kathleen Kennedy Townsend Keynote Speaker

Lieutenant Governor of Maryland

"Women Offenders: Maryland's Targeted

Response"

1:00-1:15 p.m. Break

(SECOND FLOOR)

STATE ROOM

See Tuesday Lunch Seating Chart

PLENARY IV GRAND BALLROOM 1:15–2:15 p.m. Systemwide Responses See Plenary Seating Chart Session Moderator Sheryl Ramstad Hvass Commissioner Minnesota Department of Corrections St. Paul, MN **Panelists** The Honorable John A. West Judge Hamilton County Municipal Court Cincinnati, OH Dr. Bonnie Veysey Assistant Professor School of Criminal Justice **Rutgers University** Newark, NJ Jennie Lancaster Raleigh Regional Manager North Carolina Department of Correction Raleigh, NC 2:15-2:45 p.m. **Q&A: DELEGATE QUESTIONS FOR THE** GRAND BALLROOM PANEL Session Moderator 2:45–3:00 p.m. Break TOPICAL WORKSHOPS 3:00-4:15 p.m. **IMPROVING THE SYSTEMS' RESPONSES** Choose 1 of the 5 breakout sessions—Open seating WORKING ACROSS SYSTEMS WITHIN A STATE GEORGIA ROOM (SECOND FLOOR) Session Moderator Roger Werholtz **Deputy Secretary of Corrections** Kansas Department of Corrections Topeka, KS **Panelists** Mary Scully Whitaker Director of Planning for Female Offenders

Minnesota Department of Corrections

St. Paul, MN

Roberta Richman

Warden

Women's Facilities

Rhode Island Department of Corrections

Cranston, RI

WORKING ACROSS COUNTY AND LOCAL

**SYSTEMS** 

RHODE ISLAND ROOM

(SECOND FLOOR)

Session Moderator

Phyllis D. Modley

Correctional Program Specialist National Institute of Corrections U.S. Department of Justice

Washington, DC

Panelists Anne McDiarmid

Supervisor Program Unit

**Dakota County Community Corrections** 

Department

South St. Paul, MN

Terrie McDermott Executive Director

Department of Women's Justice Services

Cook County Sheriff's Office

Chicago, IL

Michael Bacula Executive Assistant Adult Probation/Parole Cook County Circuit Court

Chicago, IL

The Honorable John A. West

Judge

Hamilton County Municipal Court

Cincinnati, OH

#### SEXUAL MISCONDUCT

#### GRAND BALLROOM

Session Moderator

Dr. Allen Ault

Chief

National Institute of Corrections U.S. Department of Justice

Washington, DC

Panelists Andie Moss, M.E.D.

Correctional Program Specialist National Institute of Corrections U.S. Department of Justice

Washington, DC

Jennie Lancaster

Raleigh Regional Manager

North Carolina Department of Correction

Raleigh, NC

WHAT WORKS FOR WOMEN OFFENDERS?

PENNSYLVANIA ROOM

(SECOND FLOOR)

Session Moderator

M. Kay Harris

Chair

Department of Criminal Justice

Temple University Philadelphia, PA

Panelists

Dr. Merry Morash

Professor and Director School of Criminal Justice Michigan State University

East Lansing, MI

Author of Findings from the National Study for Innovative and Promising Programs for

Women Offenders

Marnie Leavitt, M.S.W. Research Associate School of Social Work

University of Michigan at Ann Arbor

Ann Arbor, MI

Coauthor of *Modified Wraparound and* Women Offenders: Strategies, Opportunities

and Tensions

Director **Drug Courts Program Office** Office of Justice Programs U.S. Department of Justice Washington, DC RESTORATIVE JUSTICE **MASSACHUSETTS ROOM** Session Moderator Dr. Bonnie Gowdy (SECOND FLOOR) National Institute of Justice Office of Justice Programs U.S. Department of Justice Washington, DC **Panelists Kay Pranis** Restorative Justice Planner Minnesota Department of Corrections St. Paul, MN Susan L. Stacey Restorative Justice Associate Planner Minnesota Department of Corrections St. Paul, MN 4:15-4:30 p.m. Break 4:30-5:30 p.m. **DELEGATE DISCUSSION SESSION #3** See Attendee Orientation Chart for Team Room Assignments Delegates discuss approaches applicable to their jurisdictions. 5:30-6:30 p.m. Videos and Exhibits (Optional) **PROMENADE** 

Marilyn McCoy Roberts

(MAIN HALLWAY)

WEDNESDAY, DECEMBER 15

7:30–8:30 a.m. Registration, Continental Breakfast, and **PROMENADE** 

Videos and Exhibits (MAIN HALLWAY)

8:30–9:15 a.m. PLENARY V GRAND BALLROOM

PAINT A PICTURE OF A DIFFERENT FUTURE

Moderator

Noël Brennan

Deputy Assistant Attorney General

Office of Justice Programs

U.S. Department of Justice Washington, DC

Panelists Ann L. Jacobs

**Executive Director** 

Women's Prison Association & Home, Inc.

New York, NY

Mary V. Leftridge Byrd

Superintendent

State Correctional Institution at Chester Pennsylvania Department of Corrections

Chester, PA

Ellen Barry Founder

Legal Services for Prisoners with Children

San Francisco, CA

9:15–9:45 a.m. **Q&A: DELEGATE QUESTIONS FOR THE GRAND BALLROOM** 

**PANEL** 

Session Moderator

9:45–10:00 a.m. **Break** 

10:00–11:00 a.m. **DELEGATE DISCUSSION SESSION #4** See Attendee Orientation Chart for Team Room

Delegates formulate a short action plan to

Assignments

initiate upon their return home.

11:00–11:15 a.m. **Break** 

11:15 a.m.–12:15 p.m.

CLOSING SESSION

GRAND BALLROOM
See Plenary Seating
Chart

Symposium Moderator

The Honorable Karen Asphaug

Judge First Judicial District Minneapolis, MN

The Honorable Laurie Robinson Assistant Attorney General Office of Justice Programs U.S. Department of Justice Washington, DC

Respondent The Honorable Janet Reno

Attorney General

U.S. Department of Justice

Washington, DC

12:15–12:30 p.m. **Wrap Up and Adjourn** 

Symposium Moderator The Honorable Karen Asphaug

Judge

First Judicial District Minneapolis, MN

# National Symposium on Women Offenders

# **Renaissance Mayflower Hotel**

Washington, DC - December 13-15, 1999

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## Like mother, like daughter? Why more young women follow their moms into lives of crime

by Toni Locy

Anita Wallace was boasting. About how much she loves getting high, how much she loves stealing. She can't remember how many times she has been busted, she says. There have been so many. But her bravado vanishes as fast as a hit of the heroin she loves so much. Holding her pencil-thin arms close to her sides, she listens, for maybe the first time, as her daughter, Starr, tells how her mother made so many promises—then broke every single one. "Everybody else had their mom," says Starr, 18. "I know what it's like not to have my mom for a significant part of my life. I didn't know who to turn to, so I turned to myself."

From age 11, after her mother disappeared on a drug binge or got thrown in jail, Starr got the job of caring for her sister and younger brothers. She rebelled. Before too long, the good girl, as she called herself, went bad. She started drinking, stopped going to school. She went out with gang members. She robbed a guy delivering pizzas. Much as she despised her mother's lifestyle, Starr was following headlong in her footsteps. And like her mom, in the end, she was locked up, too.

Women have been going to jail for just about as long as there have been jails, but their numbers have always been far smaller than those of male inmates. That's still the case. Today there are about 83,000 women behind bars—about 6 percent of the nation's 1.2 million prisoners. But something new is going on—something frightening. Women today are being jailed at a rate much faster than men. Between 1986 and 1991, the incarceration rate for drug offenses for black women increased nearly twice as fast as for black men—828 percent over 429 percent. For women, generally, the incarceration rate jumped 516 percent between 1980 and 1998. There are reasons for that. Women who work in low-level roles in drug organizations are more likely to get caught by police and less likely to be able to cut deals with prosecutors.

But there's more to it than that. It has long been known that sons of criminal fathers often follow them to jail. Now, police and prosecutors are seeing the trend increasingly replicated among women. Women like Anita and Starr Wallace. To explore this trend, *U.S. News* polled juvenile-justice agencies nationwide. Twenty-one states responded. Of the 10 that provided data on boys and girls, all but one reported that more girls proportionately than boys had mothers who had been previously arrested. One state, Iowa, reported that 64 percent of its female juvenile delinquents said their mothers had criminal records. While it is still a rarity, more mothers and daughters are being locked up at the same time, for the exact same crimes.

**Ties that bind.** The *U.S. News* survey, the first of its kind, startled some experts. "Initially, I was surprised," said Meda Chesney-Lind of the University of Hawaii, one of the country's leading researchers on girls and crime. "There's no data on this issue. What you have done is illustrate that the damage done to girls is arguably more traumatic than it is for their brothers in having their mother incarcerated."

Why this may be so isn't clear. Welfare dependency, for instance, is known to have jumped from one generation to the next. A similar phenomenon may now be occurring among women who commit crimes, but the available data are insufficient to say so with certainty. What is clear is that

the emotional ties between mothers and daughters are so strong that they are less likely to be broken than those of the opposite sex by abuse, absenteeism, or criminality. "The mother-daughter bond is so strong, so visceral, it can't really be explained just intellectually," says Evelyn Bassoff, a Boulder, Colo., psychologist who has written extensively on the subject. The connection between mothers and daughters is stronger than with sons, Bassoff says, because boys must break away from their mothers to become men. "But for a girl, there's never that break," Bassoff adds. "Her mother is her identity."

Even if that identity is one of a criminal or a drug user. The profiles of a typical adult female offender and a female juvenile delinquent are strikingly similar. Both are poorly educated, live in poverty, and make dismal choices in men. Both have been physically and sexually abused. Both have problems with drugs and alcohol, which they often use to medicate the pain of what has been done to them. History is repeating itself—only faster. The girls seem to be trying drugs and having babies at younger ages, with generations separated by as few as 13 or 14 years.

Some factors can be cited with reasonable certainty. A major culprit is crack. It didn't just make addicts of women; it made them criminals. Many women landed behind bars for selling or possessing the drug. But others got locked up for forgery, shoplifting, and prostitution while trying to make money to buy it. Justice Department studies say most crack orphans went to live with their grandmothers, aunts, or other female relatives when their mothers got locked up. Some went to live with their fathers, while the rest were placed in foster care. No one knows how many girls saw their lives so disrupted.

What is clear is that by the time a mother goes off to jail, her children's lives have already been turned inside out. In interviews with 30 mothers who are or have recently been incarcerated, and with 20 daughters, the pattern emerged again and again. Karen Denise Faulkner is one of the mothers. The 39-year-old from Amarillo, Texas, had it all: the kids, the husband, the house with the two-car garage. But at night, as her children slept, she slipped away, got into her car, and went to score crack. She'd stay up all night, getting high. When morning came, she'd hop back into bed to make her kids believe she'd been there all along.

Even when aberrant behavior is far more obvious, the ties between mother and daughter somehow manage to endure. Beverly Hamilton and her daughter, Esther Shawn, were incarcerated together at Minnesota's prison for women in Shakopee after they robbed an Arby's in 1997. Shawn, as she prefers to be called, claims she concocted the scheme so she could get money to leave her mother, a crack addict who had begun stealing from her children to buy drugs. Because Shawn and her friends didn't know how to drive, Shawn, now 20, asked her mother to drive the getaway car. The girls had a .22 rifle and went in at closing time. Beverly, now 37, wasn't there when they came out. Shawn and her friends, moneybags and gun in hand, ran down the street, searching frantically for Beverly. When they spotted her driving around aimlessly, they screamed to get her attention. They were almost home when police pulled them over; a customer at the drive-through had gotten the car's tag number. "I try not to blame her," Shawn says. "She shouldn't have done it. We both should've thought before we did it." Beverly, who has been released to a halfway house, says, "I should've been stronger." Someday, Shawn knows she will have to apologize to her own daughter. The 4-year-old lives with her father now. She doesn't remember who Shawn is.

Drugs are an obvious lure into a life of crime for women, but so, surprisingly, are gangs. During her mother's first prison stint, Michelle Barnes was a member of a prison teen group that was set up to help mothers and children deal with the separation of incarceration. Now, she's an inmate, too. She and her mother, Mary Braxton, 50, are doing time together for a 1995 murder. "I've had the best my mom could give me," says Barnes, 27, formerly of Minneapolis. Barnes says she stabbed the victim because the woman was punching her mother. With them, history has repeated itself, double time. Braxton was locked up before at Shakopee for participating in a 1985 gang killing of a 16-year-old girl. Barnes says she grew up around violence because her mother was part of a gang. "I've seen murders. I've seen robberies. And this was all before the age of 14." Braxton says she knows how bad this looks. "I take the fault," she whispers. But Barnes defends her. She says she can separate the bad from the good in her mother. And she insists there is good. "I could've been a lot worse than I am," Barnes says. "It may not have been the ideal motherly type of thing, but I appreciate it."

**Mommy dearest.** *U.S. News* asked states as different as Iowa and Texas and Hawaii and Arizona to poll girls in custody, and they reached similar results. Iowa led, with 16 of 25 girls, or 64 percent, saying their mothers had been arrested. In Texas, 14 of 23 girls, or nearly 61 percent, said their mothers had been arrested. And in Hawaii, 5 of 10 girls said their mothers had criminal records, while 28 of 103 Arizona girls said their moms had been in trouble with the law. In California, according to a separate study by the National Council on Crime and Delinquency, more than half the nearly 200 girls locked up in four California counties said their mothers had been incarcerated during their childhoods.

"We thought, 'Wow!' "says Mary Nelson, Iowa's administrator of adult, children, and family services. "This certainly suggests that additional research is appropriate."

Through the more scientific method of random sampling, Colorado, Florida, and Ohio found that 51 percent, 49 percent, and 44 percent of girls in their systems, respectively, had mothers who had been arrested or incarcerated.

Social workers and probation officers at times urge troubled girls to cut ties to law-breaking mothers, but it's the rare teenage girl who can. From one sentence to the next, a letter from Arnessa Hardin to her mother, Cynthia, 37, in a prison in Gatesville, Texas, shows the roller coaster of feelings she has for her mother. "I wish you were here with me. Please hurry and come home," she writes. "I want a mother to let me know things." She also tries to be encouraging. "Mommy, please make your way through this time because now is all we have." But Arnessa is 15 and angry. "I know for a fact if you would have spent a little more time, I'd be a better person."

Most people would tell Starr and Arnessa to get away from their mothers, that their moms deserve to be locked up and have their children taken from them. Angry as they are, many girls still want to be with their moms. Because of that loyalty, juvenile officials and child welfare workers say it is worth trying to help the mother to help the daughter. "We forget that when we take a child away from a mother, we put the child in an under-funded state program," says Warren Hurlbut, the Rhode Island Training School's superintendent. "These kids are not going to ideal situations . . . and they are not getting help."

Some probation officers and judges agree that foster care is often worse than leaving children

with their drug-addicted mothers. James R. Milliken, presiding judge of San Diego County's juvenile court, says a child in foster care for more than three years will suffer psychological damage beyond repair. "We want them with Mom"—whenever possible, he says. That goal is at odds with recent state and federal laws that make it easier—and faster—to take children from their parents. Those laws may work for younger children, who are more easily adopted. But, says Rose Bruzzo, deputy director of social services for the District of Columbia's Superior Court, no one wants troubled teenage girls.

**Grandma to the rescue.** And the truth is that some mothers have had problems since they were teenagers. Dollie Richardson, 44, formerly of Ann Arbor, Mich., has spent most of the past 19 years in jail or prison, mainly for theft-type cases. She has a drug addiction that dates back to her early teens, and she doesn't feel comfortable outside prison walls. She has four children—all of whom were born behind bars. Cooking a Thanksgiving turkey terrifies her. "I don't want my life to be in vain," she says. "I love my kids. I really do. Maybe I just don't care enough about myself. But everything is, like, a struggle for me. I'm afraid."

Richardson's daughter, also named Dollie, is 16 and consumed with memories of her mother, like the time she watched her steal a fur coat. She also can't forget seeing her little sister, Marriah, a crack baby who is now 7, go through withdrawal. But Dollie doesn't feel completely abandoned, says Joyce Dixson, an ex-inmate and founder of Sons and Daughters of the Incarcerated in Ann Arbor, Mich. She has her grandmother. When the drug epidemic began in the 1980s, grandparents stepped in to help. At first, they thought that taking care of their grandchildren would be temporary, until their daughters kicked their drug habits and got their lives back together. But then the daughters started getting locked up.

Around the country, juvenile and child welfare authorities are realizing that girls are in trouble. "Until 1992, I didn't think much about girls either," says Judy Mayer of Maryland's juvenile-justice system. "But, holy cow, we started getting the data [on girls being locked up] and, my lord, we realized this is a terrible thing." So Maryland launched FIT (the Female Intervention Team) in Baltimore City, assigning all-female caseloads to probation officers trained to deal exclusively with girls. The program has kept many Baltimore girls from getting into trouble again and being pulled deeper into the system. Today, FIT's "gender-specific programming" is all the rage in juvenile-justice circles, where officials are finally accepting that girls are as different from boys as women are from men. "There isn't any magic to this," says Geno Natalucci-Persichetti, Ohio's juvenile services director, who believes social workers should get back to the basics and help families at the first signs of trouble. "What we need to do is get smart on crime."